

# ORANGE COUNTY BOARD OF SUPERVISORS

## A g e n d a   R e v i s i o n s   a n d   S u p p l e m e n t a l s

Note: *This supplemental agenda is updated daily showing items that have been added, continued, deleted or modified. No new supplemental items will be added to the agenda following close of business on Friday immediately prior to a Board meeting.*

March 14, 2023

### **PRESENTATIONS**                      **(9:00 A.M.)**

Supervisor Foley will be presenting a resolution proclaiming March 2023 as “Women’s History Month”

Supervisor Sarmiento and Chairman Wagner will be presenting a resolution proclaiming March 20, 2023 as “Nowruz Day”

### **DISCUSSION**

35.      Revised Title to read:  
         **County Executive Office** - Approve grant applications/awards submitted by *Health Care Agency and Social Services Agency, and retroactive grant applications/awards submitted by Sheriff Coroner* in 3/14/23 grant report and other actions as recommended - All Districts

**THE FOLLOWING AGENDA ITEMS HAVE HAD CHANGES TO THEIR RECOMMENDED ACTIONS SINCE RELEASE OF THE AGENDA TO THE PUBLIC:**

Item: 35

## **S u p p l e m e n t a l   I t e m ( s )**

- S38A. **Supervisor Foley** - Coto de Caza Planning Advisory Committee - Reappoint Lucy Dunn, Coto de Caza, for term concurrent with 5<sup>th</sup> District Supervisor’s term of office
- S38B. **Supervisor Foley** - Orange County Behavioral Health Advisory Board - Appoint Chase Wickersham, Corona Del Mar, for term ending 3/9/25
- S38C. **Chairman Wagner** - Approve addition of Boys & Girls Club events to County Events Calendar; and make related findings per Government Code Section 26227
- S38D. **Vice Chairman Do and Sheriff-Coroner** - Direct County Executive Office and OC Information Technology to amend County Information Technology Policy and Social Media Use Policy to prohibit downloading, viewing, and/or use of TikTok, a short form video hosting service, on County devices and equipment, except as necessary for law enforcement purposes
- S38E. **Vice Chairman Do** - Orange County Behavioral Health Advisory Board - Chinh Tuong Nguyen, Fountain Valley, for term ending 3/9/25



# ORANGE COUNTY BOARD OF SUPERVISORS

## A g e n d a   R e v i s i o n s   a n d   S u p p l e m e n t a l s

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- S38F. Continued to 3/28/23, 9:30 a.m.  
**County Executive Office - Acting as the Orange County Flood Control District** - Public Hearing to consider rescinding Resolution of Necessity 22-108 (Parcel No. E01PD-42-004, 42-030 – Jurupa) adopted on August 23, 2022; adopt Resolutions of Necessity acquiring by eminent domain real property for Santa Ana River Mainstem/Prado Dam Project located in San Bernardino County; authorizing County Counsel and/or outside eminent domain counsel to take steps to initiate and facilitate the condemnation action; directing and authorizing Auditor-Controller to make related payments; and considering application of Final Environmental Impact Statement and Final Supplemental Environmental Impact Statement/Environmental Impact Report 583, Addendum No. 1 (IP 21-0211) and other findings - All Districts (2/3 vote of membership)
- S38G. **County Counsel** - Pursuant to Government Code Section 7283.1 conduct public hearing regarding Transparent Review of Unjust Transfers and Holds (TRUTH) Act and receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2022 - All Districts
- S38H. **Supervisor Sarmiento** - Orange County Parks Commission - Appoint Ray Diaz, Santa Ana, for term concurrent with 2<sup>nd</sup> District Supervisor's term of office
- S38I. **Supervisor Sarmiento** - Orange County Audit Oversight Committee - Appoint Tim Johnson, Santa Ana, for term concurrent with 2<sup>nd</sup> District Supervisor's term of office
- S38J. **Supervisor Sarmiento** - Orange County Airport Commission - Appoint Sal Tinajero, Santa Ana, for term concurrent with 2<sup>nd</sup> District Supervisor's term of office
- S38K. **Supervisor Sarmiento** - Orange County Historical Commission - Appoint MaryAnne Skorpanich, Orange, for term concurrent with 2<sup>nd</sup> District Supervisor's term of office
- SCS1. **County Executive Office** - CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:  
Agency Negotiator: Colette Farnes  
Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), International Union of Operating Engineers (IUOE), United Domestic Workers of America (UDWA), and other non-represented employees  
RE: Terms and Conditions of Employment
- SCS2. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: Werner Hartman v. County of Orange, WCAB Case: ADJ13818129
- SCS3. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):  
Name of Case: Mathew Gordon v. County of Orange, USDC Case No. SACV14-01050 CJC





## AGENDA STAFF REPORT

Agenda Item

35

ASR Control 22-001222

**MEETING DATE:** 03/14/23  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** County Executive Office (Approved)  
**DEPARTMENT CONTACT PERSON(S):** Peter DeMarco (714) 834-5777  
Julie Bechtol (714) 834-2009

**SUBJECT:** Grant Applications/Awards Report

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**CEO CONCUR**  
Concur

**COUNTY COUNSEL REVIEW**  
No Legal Objection

**CLERK OF THE BOARD**  
Discussion  
3 Votes Board Majority

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**Budgeted:** N/A

**Current Year Cost:** N/A

**Annual Cost:** N/A

**Staffing Impact:** No

**# of Positions:**

**Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** N/A

**County Audit in last 3 years:** No

**Levine Act Review Completed:** N/A

**Prior Board Action:** N/A

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### RECOMMENDED ACTION(S):

Approve grant applications/awards as proposed and other actions as recommended.

1. Approve Grant Award – Health Care Agency – California Home Visiting Program State General Fund Expansion (CHVP SGF EXP) – \$882,433
2. Approve Grant Award - Health Care Agency - Local Oversight Program - \$1,184,500
3. Approve Grant Application – Social Services Agency – Flexible Family Supports and Home-Based Foster Care Funding – \$2,091,632
4. Approve Grant Application –Social Services Agency – County Capacity Building Funds – \$2,384,097
5. Approve Retroactive Grant Application – Sheriff Coroner – Toxicology Laboratory Automation and Efficiency Improvement 2023/2025 – \$512,050
6. Receive and File Grants Report.



**SUMMARY:**

See the attached Grants Report.

**BACKGROUND INFORMATION:**

See the attached Grants Report.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Grants Report





# Grants Report

**DRAFT**

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County Executive Office/Legislative Affairs

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March 14, 2023  
Item No: 35

## **County of Orange Report on Grant Applications/Awards**

*The Grants Report is a condensed list of grant requests by County Agencies/Departments that allows the Board of Supervisors to discuss and approve grant submittals in one motion at a Board meeting. County policy dictates that the Board of Supervisors must approve all grant applications prior to submittal to the grantor. This applies to grants of all amounts, as well as to new grants and those that have been received by the County for many years as part of an ongoing grant. Receipt of grants \$50,000 or less is delegated to the County Executive Officer. Grant awards greater than \$50,000 must be presented to the Board of Supervisors for receipt of funds. This report allows for better tracking of county grant requests, the success rate of our grants, and monitoring of County's grants activities. It also serves to inform Orange County's Sacramento and Washington, D.C. advocates of County grant activities involving the State or Federal Governments.*

On March 14, 2023, the Board of Supervisors will consider the following actions:

### **RECOMMENDED ACTIONS**

Approve grant applications/awards as proposed and other actions as recommended.

### **ACTION ITEMS:**

1. Approve Grant Award – Health Care Agency – California Home Visiting Program State General Fund Expansion (CHVP SGF EXP) – \$882,433
2. Approve Grant Award – Health Care Agency – Local Oversight Program – \$1,184,500
3. Approve Grant Application – Social Services Agency – Flexible Family Supports and Home-Based Foster Care Funding - \$2,091,632
4. Approve Grant Application – Social Services Agency – County Capacity Building Funds - \$2,384,097
5. Approve Retroactive Grant Application – Sheriff Coroner – Toxicology Laboratory Automation and Efficiency Improvement 2023/2025 – \$512,050
6. Receive and File Grants Report.

If you or your staff have any questions or require additional information on any of the items in this report, please contact Julie Bechtol at 714-834-2009.





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☐ GRANT APPLICATION / ☒ GRANT AWARD

<b>Today's Date:</b>	2/28/23
<b>Requesting Agency/Department:</b>	Health Care Agency
<b>Grant Name and Project Title:</b>	California Home Visiting Program State General Fund Expansion (CHVP SGF EXP)
<b>Sponsoring Organization/Grant Source:</b> (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	California Department of Public Health: Maternal Child and Adolescent Health Division/Center for Family Health
<b>Application Amount Requested:</b>	\$882,433
<b>Application Due Date:</b>	N/A
<b>Board Date when Board Approved this Application:</b>	August 9, 2022
<b>Awarded Funding Amount:</b>	\$882,433
<b>Notification Date of Funding Award:</b>	2/24/23
<b>Is this an Authorized Retroactive Grant Application/Award? No</b> (If yes, attach memo to CEO) No	
<b>Recurrence of Grant</b>	New <input type="checkbox"/> Recurrent <input checked="" type="checkbox"/> Other <input type="checkbox"/> Explain:
<b>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</b>	Applied for AFA for CHVP expansion for FY 2020-2023. FY 2022-2023 amount allocated \$524,428
<b>Does this grant require CEQA findings?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>What Type of Grant is this?</b>	Competitive <input type="checkbox"/> Other Type <input checked="" type="checkbox"/> Explain: Allocation. OC is one of 23 counties that will receive funds from CDPH.
<b>County Match?</b>	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/> N/A
<b>How will the County Match be Fulfilled?</b> (Please include the specific budget)	N/A
<b>Will the grant/program create new part or full-time positions?</b>	No. HCA will use existing staff position within the Community and Nursing Services Division to conduct grant related activities.
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
The California Department of Public Health received \$37.5 million in State General Funds to expand the California Home Visiting Program for FY 2022-23. CDPH/CHVP will plan to extend this expansion for an additional 5 years. Orange County was selected to receive this award based on the number of Medi-Cal births with three risk indicators (children under age 5 in poverty, preterm births and children under age 5 in foster care) and existing capacity to serve clients through one of CHVP approved evidence-based services models, Nurse Family Partnership®. Program goals include promoting maternal health and well-being, improve infant and child health and development and strengthen family functioning and cultivation of strong communities. Service is provided to pregnant and newly parenting families who have medical and social risk factors such as inadequate income, education less than 12 years, substance abuse and depression and/or mental illness. NFP is staffed by Public Health Nurses within the Community and Nursing Services Division. Research has shown that evidence-based home visiting programs produce positive outcomes that save taxpayer dollars by reducing societal costs associated with intimate partner violence, youth crime, substance abuse and need for governmental assistance <sup>i</sup> .	
<b>Board Resolution Required?</b> (Please attach document to eForm)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>





## CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

<b>Deputy County Counsel Name:</b> (Please list the Deputy County Counsel that approved the Resolution)	Massoud Shamel
<b>Recommended Action/Special Instructions</b> (Please specify below)	
The Health Care Agency (HCA) requests that the Board of Supervisors: 1) Authorize the Health Care Agency Director, or designee, on behalf of the Board of Supervisors to accept the allocation. 2) Authorize the Health Care Agency Director, or designee, to execute such future amendments to the Agreement referenced above that do not change the Agreement amount by more than 10% of the original amount and/or make immaterial changes to the scope of work.	
<b>Department Contact:</b>	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Dr. Regina ChinsioKwong <a href="mailto:rchinsiokwong@ochca.com">rchinsiokwong@ochca.com</a>	
<b>Name of the individual attending the Board Meeting:</b>	List the name of the individual who will be attending the Board Meeting for this Grant Item:
Dr. Clayton Chau	

<sup>i</sup> Miller TR. Projected outcomes of Nurse-Family Partnership home visitation during 1996-2013, United States. *Prevention Science*, 16:6, 755-777, 2015.





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☐ GRANT APPLICATION / ☒ GRANT AWARD

<b>Today's Date:</b>	February 21, 2023
<b>Requesting Agency/Department:</b>	Health Care Agency / Environmental Health
<b>Grant Name and Project Title:</b>	Local Oversight Program
<b>Sponsoring Organization/Grant Source:</b> (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	State Water Resources Control Board (SWRCB)
<b>Application Amount Requested:</b>	No application required
<b>Application Due Date:</b>	n/a
<b>Board Date when Board Approved this Application:</b>	n/a
<b>Awarded Funding Amount:</b>	\$1,184,500
<b>Notification Date of Funding Award:</b>	February 15, 2023
<b>Is this an Authorized Retroactive Grant Application/Award?</b> (If yes, attach memo to CEO)	
<b>Recurrence of Grant</b>	New <input type="checkbox"/> Recurrent <input checked="" type="checkbox"/> Other <input type="checkbox"/> Explain:
<b>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</b>	Awarded: FY 2017-18 \$1,004,107 FY 2018-19 \$1,004,107 FY 2019-20 \$1,006,817 FY 2020-21 \$1,029,893 FY 2021-22 \$1,088,676
<b>Does this grant require CEQA findings?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>What Type of Grant is this?</b>	Competitive <input type="checkbox"/> Other Type <input checked="" type="checkbox"/> Explain: Recurring
<b>County Match?</b>	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
<b>How will the County Match be Fulfilled?</b> (Please include the specific budget)	N/A
<b>Will the grant/program create new part or full-time positions?</b>	No
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
Since 1988, the SWRCB has contracted with HCA in order for HCA/Environmental Health's Hazardous Materials Specialists to conduct regulatory oversight for cleanup of leaking underground storage tanks (USTs) in Orange County (except for the cities of Anaheim, Fullerton and Santa Ana). Funds from this contract provide personnel services, operating costs and travel expenses necessary to conduct oversight of corrective actions and perform regulatory and administrative activities related to unauthorized releases from USTs. Approving this contract will continue the local oversight of cleanup projects at properties that have been contaminated by leaking underground petroleum tanks that impact both local groundwater supplies and public health.	
<b>Board Resolution Required?</b> (Please attach document to eForm)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Deputy County Counsel Name:</b> (Please list the Deputy County Counsel that approved the Resolution)	
<b>Recommended Action/Special Instructions</b> (Please specify below)	
1. Authorize the Health Care Agency Director or Deputy Agency Director to execute the agreement and any non-monetary amendments thereto.	





## CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

2. Authorize the Health Care Agency Director or designee to execute a Local Oversight Program grant agreement with the State Water Resources Control Board in an amount not to exceed \$1,184,500 through June 30, 2023 and any subsequent non-monetary amendments thereto.

**Department Contact :**

List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.

LaRisha Baker (714) 719-9856 [lbaker@ochca.com](mailto:lbaker@ochca.com)  
Christine Lane (714) 433-6473 [clane@ochca.com](mailto:clane@ochca.com)

**Name of the individual attending the Board Meeting:**

List the name of the individual who will be attending the Board Meeting for this Grant Item:

Dr. Regina Chinsio-Kwong (714) 834-2729





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

<b>Today's Date:</b>	3/7/2023
<b>Requesting Agency/Department:</b>	Social Services Agency
<b>Grant Name and Project Title:</b>	Flexible Family Supports and Home-Based Foster Care Funding
<b>Sponsoring Organization/Grant Source:</b> (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	California Department of Social Services
<b>Application Amount Requested:</b>	\$2,091,632
<b>Application Due Date:</b>	7/1/2024
<b>Board Date when Board Approved this Application:</b>	N/A
<b>Awarded Funding Amount:</b>	N/A
<b>Notification Date of Funding Award:</b>	N/A
<b>Is this an Authorized Retroactive Grant Application/Award?</b> No (If yes, attach memo to CEO)	
<b>Type of Grant</b>	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/> Other <input type="checkbox"/> Explain:
<b>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</b>	
<b>Does this grant require CEQA findings?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>What Type of Grant is this?</b>	Competitive <input type="checkbox"/> Other Type <input checked="" type="checkbox"/> Explain: Non-competitive allocation
<b>County Match?</b>	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
<b>How will the County Match be Fulfilled?</b> (Please include the specific budget)	N/A
<b>Will the grant/program create new part or full-time positions?</b>	No
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background of why Board of Supervisors why should accept this grant application/award, and how the grant will be implemented.
<p>The California Department of Social Services (CDSS) released All County Letter (ACL) 23-02 on January 1, 2023, County Fiscal Letter (CFL) 22/23-42 on December 29, 2022, and CFL 22/23-51 on January 25, 2023, notifying counties of an appropriation of \$50 million in one-time funding through the State Budget Act of 2022 (Chapter 249, Statutes of 2022) to increase use of home-based family care and provide increased resources and support to foster youth and their caregivers, which can reduce the need for changes in placement and increase life-long familial connections for children and youth in care.</p> <p>Flexible Family Supports and Home-Based Foster Care Funding will be allocated to counties who submit a Letter of Intent by July 1, 2024. The funds are to be spent by June 30, 2025. Funds may be utilized by the Social Services Agency (SSA) for respite care; to facilitate a foster caregiver and child's participation in child and youth enrichment activities that are not covered by the caregiver-specific rate and that would stabilize the placement and/or enhance the child's well-being; to enable or continue to foster a child's relative or nonrelative extended family member (NREFM) connections; to use for concrete costs associated with facilitating a placement with a relative or NREFM, or extended family member who otherwise would be unable to take the placement due to current housing arrangement limitations; and for any other activities or direct supports and services authorized by CDSS. SSA has been allocated a total of \$2,091,632 for these purposes.</p>	





## CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

<b>Board Resolution Required?</b> (Please attach document to eForm)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Deputy County Counsel Name:</b> (Please list the Deputy County Counsel that approved the Resolution)		
<b>Recommended Action/Special Instructions</b> (Please specify below)		
<ol style="list-style-type: none"><li>1. Authorize the Social Services Agency Director, or designee, to apply for and accept the Flexible Family Supports and Home-Based Foster Care allocation in the amount of \$2,091,632.</li><li>2. Authorize the Social Services Agency Director, or designee, to manage the Flexible Family Supports and Home-Based Foster Care funds and pay related expenditures to vendors or grant recipients directly including, but not limited to respite care; costs to facilitate a youth and/or caregiver's participation in enrichment activities that would stabilize placement or enhance the child's well-being; supports to enable or continue a foster child's relative or nonrelative extended family member connections; concrete costs associated with facilitating a placement with a relative or nonrelative extended family member who otherwise would be unable to take the placement due to current housing arrangement limitations; other activities or direct supports and services authorized by the California Department of Social Services; and other program related expenses to support the needs of foster youth and their caregivers in accordance with all applicable program requirements and laws.</li><li>3. Authorize the Auditor-Controller to pay the aforementioned expenditures upon receipts of a Payment Request Form approved by the Social Services Agency Director or designee.</li></ol>		
<b>Department Contact :</b>	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.	
An Tran, 714-541-7773, <a href="mailto:An.Tran@ssa.ocgov.com">An.Tran@ssa.ocgov.com</a>		
<b>Name of the individual attending the Board Meeting:</b>	List the name of the individual who will be attending the Board Meeting for this Grant Item:	
An Tran, 714-541-7773, <a href="mailto:An.Tran@ssa.ocgov.com">An.Tran@ssa.ocgov.com</a>		





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

<b>Today's Date:</b>	3/7/2023
<b>Requesting Agency/Department:</b>	Social Services Agency
<b>Grant Name and Project Title:</b>	County Capacity Building Funds
<b>Sponsoring Organization/Grant Source:</b> (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	California Department of Social Services
<b>Application Amount Requested:</b>	\$2,384,097
<b>Application Due Date:</b>	6/30/2023
<b>Board Date when Board Approved this Application:</b>	N/A
<b>Awarded Funding Amount:</b>	N/A
<b>Notification Date of Funding Award:</b>	N/A
<b>Is this an Authorized Retroactive Grant Application/Award?</b> No (If yes, attach memo to CEO)	
<b>Recurrence of Grant</b>	New <input checked="" type="checkbox"/> Recurrent <input type="checkbox"/> Other <input type="checkbox"/> Explain:
<b>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</b>	N/A
<b>Does this grant require CEQA findings?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>What Type of Grant is this?</b>	Competitive <input type="checkbox"/> Other Type <input checked="" type="checkbox"/> Explain: Non-competitive allocation
<b>County Match?</b>	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
<b>How will the County Match be Fulfilled?</b> (Please include the specific budget)	N/A
<b>Will the grant/program create new part or full-time positions?</b>	No
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background of why Board of Supervisors should accept this grant application/award, and how the grant will be implemented.
<p>The California Department of Social Services (CDSS) released All County Letter (ACL) 21-143 on November 16, 2021, notifying counties of available funding appropriated under Assembly Bill (AB) 153 (Chapter 86, Statutes of 2021) to support new or expanded programs, services, practices, and training that build system capacity and ensure the provision of a high-quality continuum of care that is designed to support foster children in the least restrictive setting, consistent with a child's permanency plan.</p> <p>AB 153 provides \$43 million of funding to support the urgent and ongoing needs of children and nonminor dependents (NMDs) in foster care and under the supervision of a county child welfare agency or probation department. The County of Orange has been allocated a total of \$2,384,097 (\$2,114,866 for the Social Services Agency (SSA) and \$269,231 for the Probation Department [Probation]) for this purpose. SSA is partnering with Probation and will request the entire allocation amount of \$2,384,097.</p> <p>To access funding and identify capacity gaps, SSA completed CDSS' Self-Evaluation for Complex Care Capacity Building survey in consultation with the System of Care AB 2083 Interagency Leadership Team members (Health Care Agency, Orange County Department of Education, Regional Center of Orange County and Probation). The Complex Care Capacity Building Proposal developed in response to the self-evaluation is intended to increase the local capacity to care for foster children and youth of all need levels in home-based settings, lessen placement disruption and increase the knowledge base and support of caregivers.</p>	





## CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

SSA proposes to address the identified gaps by directing the County Capacity Building Funding allocation towards additional funding for Resource Family Recruitment, for the expansion of existing School of Origin Transportation services, and to develop and maintain Ongoing Caregiver Support and Engagement services.

While there is no deadline to opt-in, funding is only available through June 30, 2026. The sooner that SSA can access these funds, the sooner that the dependent and probation youth can benefit from these additions to existing services.

**Board Resolution Required?**

(Please attach document to eForm)

Yes ☐

No ☒

**Deputy County Counsel Name:**

(Please list the Deputy County Counsel that approved the Resolution)

**Recommended Action/Special Instructions**

(Please specify below)

1. Authorize the Social Services Agency Director, or designee, to apply for and accept the allocation for the California Child Welfare Services County Capacity Building Funds in the amount of \$2,384,097.

**Department Contact:**

List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.

An Tran, 714-541-7773, [An.Tran@ssa.ocgov.com](mailto:An.Tran@ssa.ocgov.com)

**Name of the individual attending the Board Meeting:**

List the name of the individual who will be attending the Board Meeting for this Grant Item:

An Tran, 714-541-7773, [An.Tran@ssa.ocgov.com](mailto:An.Tran@ssa.ocgov.com)



# ORANGE COUNTY SHERIFF'S DEPARTMENT

## EXTERNAL MEMO

**To:** County Executive Officer, Frank Kim  
**From:** Crime Laboratory Director, Stephanie Callian *SLC*  
**Date:** 2/23/23  
**RE:** Request to Ratify Submission for Toxicology Laboratory Automation and Efficiency Improvement *Frank*

Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=County  
of Orange, ou=CEO,  
email=frank.kim@ocgov.com,  
c=US  
Date: 2023.02.28 10:09:57  
-08'00'



This memo is submitted to request that the County Executive Office place the subject grant application on the March 14, 2023 Board of Supervisors (Board) Meeting Agenda. The Orange County Crime Laboratory (OCCL) requests retroactive approval of the grant submission as the OCCL needed time to assess the needs in the toxicology section and to receive quotes on the equipment we identified as necessary. The original deadline for this year's submission was February 23, 2023. The CHP notified the OCCL on December 20, 2022.

Because we did not have time to seek Board approval prior to the deadline, we are asking for retroactive approval to submit the grant application.





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

☒ GRANT APPLICATION / ☐ GRANT AWARD

<b>Today's Date:</b>	February 23, 2023
<b>Requesting Agency/Department:</b>	Sheriff-Coroner Department
<b>Grant Name and Project Title:</b>	Toxicology Laboratory Automation and Efficiency Improvement 2023/2025
<b>Sponsoring Organization/Grant Source:</b> (If the grant source is not a government entity, please provide a brief description of the organization/foundation)	California Highway Patrol – Cannabis Tax Fund Grant Program
<b>Application Amount Requested:</b>	\$512,050
<b>Application Due Date:</b>	2/23/23
<b>Board Date when Board Approved this Application:</b>	
<b>Awarded Funding Amount:</b>	N/A
<b>Notification Date of Funding Award:</b>	N/A
<b>Is this an Authorized Retroactive Grant Application/Award? Yes</b> (If yes, attach memo to CEO)	
<b>Recurrence of Grant</b>	New <input type="checkbox"/> Recurrent <input checked="" type="checkbox"/> Other <input type="checkbox"/> Explain:
<b>If this is a recurring grant, please list the funding amount applied for and awarded in the past:</b>	CTFGP FY21-23 = \$467,700 FY22-24 = \$356,312
<b>Does this grant require CEQA findings?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>What Type of Grant is this?</b>	Competitive <input checked="" type="checkbox"/> Other Type <input type="checkbox"/> Explain:
<b>County Match?</b>	Yes <input type="checkbox"/> Amount _____ or _____ % No <input checked="" type="checkbox"/>
<b>How will the County Match be Fulfilled?</b> (Please include the specific budget)	N/A
<b>Will the grant/program create new part or full-time positions?</b>	No
<b>Purpose of Grant Funds:</b>	Provide a summary and brief background on why the Board of Supervisors should accept this grant application/award, and how the grant will be implemented.
<p>The Orange County Crime Laboratory (OCCL) has worked collaboratively for a number of years to improve toxicological analysis and testimony on driving under the influence of drug (DUID) cases within the County of Orange. The laboratory has established standards of performance in both DUID testing and expert testimony that have been recognized at both the state and national level. To further improve the overall service to the County, the OCCL tests all blood samples obtained from traffic safety related incidents for drugs. To continue providing the County of Orange with up-to-date Toxicology services, the laboratory plans to purchase instrumentation and to supplement the toxicology staff with overtime to validate instrumentation and improve turnaround times through funding from the California Highway Patrol's Cannabis Tax Fund Grant Program (CTFGP). The OCCL requests retroactive approval of the grant submission. The cost for the total compensation for equipment and overtime for current staff is \$512,050.</p>	





# CEO-Legislative Affairs Office Grant Authorization eForm

Attachment A

<b>Board Resolution Required?</b> (Please attach document to eForm)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Deputy County Counsel Name:</b> (Please list the Deputy County Counsel that approved the Resolution)	A resolution will be required upon award of the grant.
<b>Recommended Action/Special Instructions</b> (Please specify below)	
The Orange County Crime Lab requests the Board's retroactive approval of the application to the Toxicology Laboratory Automation and Efficiency Improvement through the California Highway Patrol for the Laboratory Infrastructure Strengthening grant in the amount of \$512,050 for the grant period July 1, 2023 through June 30, 2025.  A resolution will be required upon award of the grant.	
<b>Department Contact :</b>	List the name and contact information (telephone, e-mail) of the staff person to be contacted for further information.
Bruce Lyle, <a href="mailto:Blyle@ocsheriff.gov">Blyle@ocsheriff.gov</a> 714-834-4510	
<b>Name of the individual attending the Board Meeting:</b>	List the name of the individual who will be attending the Board Meeting for this Grant Item:
Bruce Lyle, Assistant Director of the Orange County Crime Lab	





## MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Supervisor Katrina Foley, 5<sup>th</sup> District

Date: 3/1/23

**RE – Add Supplemental Item to 3/14/23 Board Meeting Agenda – Reappoint Lucy Dunn, Coto de Caza, to Coto de Casa Planning Advisory Committee**

S38A

Please place this item on the 3/14/23 Board meeting agenda. I request to reappoint Lucy Dunn to the Coto de Caza Planning Advisory Committee for a term concurrent with the Supervisor's term of office.

RECEIVED  
2023 MAR -3 AM 10:14  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to: Clerk of the Board of Supervisors  
400 W. Civic Center Dr., 6th Floor  
Santa Ana, California 92701  
Email: [response@ocgov.com](mailto:response@ocgov.com)  
Website: <https://cob.ocgov.com/>

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR  
MEMBERSHIP. SEE LIST AT <https://cob.ocgov.com/boards-commissions-committees/bcc-name-list-and-contact-information>

**Coto de Caza Planning Advisory Commission**

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: ☐ First ☐ Second ☐ Third ☐ Fourth ☒ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

**Lucetta (Lucy)**

**Dunn**

First Name

Middle Name

Last Name

**Coto de Caza CA**

Street Address

City

State

Zip Code

Home Phone Number

Cell Phone Number

Email Address

CURRENT EMPLOYER: **retired**

OCCUPATION/JOB TITLE: **retired**

BUSINESS ADDRESS: **retired**

BUSINESS PHONE NUMBER: **n/a**

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

ARE YOU A CITIZEN OF THE UNITED STATES: ☒ YES ☐ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP: \_\_\_\_\_

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: **Orange County**



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY	FROM (MO./YR.)	TO (MO./YR.)
CA State Bar (inactive)	1986	present
Orange Catholic Foundation	2020	present
Homeful Foundation	2010	present
<u>See resume for others.</u>		

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☒ YES ☐ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☐ YES ☒ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

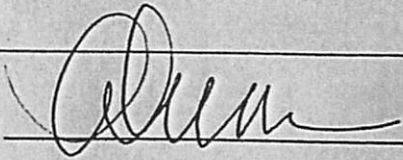
☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

I have served as chair and wish to continue to assist in  
guiding growth and good planning.

DATE: 2/21/2023

APPLICANTS SIGNATURE: 

**CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE**

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Date referred: \_\_\_\_\_ Deputy Clerk of the Board of Supervisors

To: ☐ BOS District 1 ☐ BOS District 2 ☐ BOS District 3 ☐ BOS District 4 ☐ BOS District 5  
☐ All BOS ☐ BCC Contact Person Name \_\_\_\_\_



## **LUCETTA DUNN (Lucy)**

---

### **RESUME**

Senior management executive reporting to top management, adept at team-building to meet strategic goals within budget and schedule constraints. Skilled in developing and implementing a broad range of public campaigns requiring intensive legal expertise, strategic planning, marketing, community and public relations, government relations and political expertise. Particular expertise in public speaking, high-profile issues and successful win-win negotiations. Exceptional track record of accomplishments with complex projects, public policy development and litigation management. Expertise in forming and implementing public and corporate policy, development of new business, and corporate reorganization to maximize operations efficiency and value for owners/stakeholders.

### **PROFESSIONAL EXPERIENCE**

**SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (Dec 2022 to Present)**  
Business Representative to Regional Council

SCAG is the Metropolitan Planning Organization (MPO) for six of 10 counties in Southern California, serving Imperial, Los Angeles, Riverside, San Bernardino, Ventura and Orange Counties, the largest in the US, planning regional transportation, housing, environmental and growth management at state and federal levels. Non-voting member advising on business and industry sector information to the 86-member official governing board known as the Regional Council. Chair of Global Land Use and Economics (GLUE) Council for SCAG.

**ORANGE COUNTY BUSINESS COUNCIL, CEO Emeritus**  
**ORANGE COUNTY BUSINESS COUNCIL, President and CEO,**  
Member of Board of Directors, Irvine, California (Nov 2005 to Dec 2022)

The President and Chief Executive Officer is responsible to the Board of Directors for the effective conduct of the affairs of the Council. Provides and executes a well-articulated vision for the Council, based on guidelines established by the Board. Recommends and participates in Board formulation of the Council mission, goals, and objectives and related policies. Within that framework plans, organizes, coordinates, controls, and directs the staff, programs, and activities of the Council.

As President and CEO, implements the strategic goals for Orange County on four core initiatives infrastructure investment, workforce housing, workforce development and economic development. Led the business community for the County on a major successful campaign to Renew Measure M—the County's ½ cent sales tax to fund transportation improvements for 30 years. Ballot signatory on state-wide bond measure for California High Speed Rail project. Effective advocate for including managed lanes



on improvements to I-405 freeway. Facilitator for resolution of issues among environmental coalition members and transportation agencies on road and habitat expansions, particularly resolution of SR-241 extension litigation. Advanced innovative grassroots climate change initiatives at the local level.

STATE OF CALIFORNIA, Director, Department of Housing and  
Community Development, Sacramento, California (May 2004 to Nov 2005)

Appointed by Governor Arnold Schwarzenegger and confirmed by the California State Senate to serve under the aegis of the Business, Transportation and Housing Agency. Primarily responsible for the Department's 500 employees and a \$500 million annual budget including oversight for administering the state's housing finance, rehabilitation, and community development programs; oversight of the state's housing policy, planning and code-setting processes, and regulating manufactured housing and mobile home parks. Also led the administration of Proposition 46 \$2.1 billion in bond funds for affordable housing. During my term and since January 2004, those funds helped incentivize or create more than 72,000 affordable homes and shelter spaces for Californians.

Facilitates numerous stakeholder meetings with business, financial, building interests and others to promote new housing and land use legislation, build consensus and encourage increased statewide housing production. Acts as facilitator between administration and League of California Cities, California State Association of Counties and other associations in promoting increased housing production. Promotes administration policies in numerous public speaking engagements, panels and programs. Proposes and reviews extensive legislation on a variety of housing and business issues. Serves as resource to California State Legislature on housing policy and member of the boards of the California Housing Finance Authority, California Debt Limit Allocation Committee, California Tax Credit Allocation Committee and California Housing Preservation Commission.

Reporting responsibilities to Governor Schwarzenegger and Secretary Sunne Wright McPeak of Business, Transportation and Housing Agency. Assisted numerous Cabinet and other Governor's staff members.

HEARTHSIDE HOMES, Irvine, California	(1998 to 2004)
KOLL REAL ESTATE GROUP, Newport Beach, California	(1992 to 1998)
THE KOLL COMPANY, Newport Beach, California	(1990 to 1992)
Executive Vice President, Development	

Responsibilities: Executive manager for 1600-acre Bolsa Chica residential/wetlands restoration project. Duties include strategic planning, directing corporate policy, management and "hands on" implementation of a multi-million dollar annual team budget; direction of a corporate team including 35 outside professional consulting firms in a full range of disciplines from legal to planning to environmental and science; manage entitlement process through more than 25 local, state and federal agencies subject to stringent cost and time controls; assist in entitlements and environmental expertise for the company's other development projects;



Complex litigation management in all issues attendant to real estate management, entitlement and development; significant expertise in environmental permitting, processing, review and mitigation. Exceptional expertise in developing community, business and political support for company projects, media relations, and public outreach. Developed residential division business plan for company and implemented marketing plan. Developed and implemented state-wide ballot initiatives beneficial to real estate industry.

Established first-of-its-kind agreement establishing multi-million-dollar fund for restoration of wetlands with numerous state and federal agencies. Management and leadership in development of wetlands restoration plan, including provisions for endangered species. Negotiated with numerous local, state and federal agencies in reaching a national precedent-setting sale of 900 acres of wetlands, located in an active oil field, for restoration.

From endangered species, geotechnical, archaeological, political, water quality to litigation management, the full gamut of development and public policy issues have been effectively managed. As a leader, Ms. Dunn has successfully worked to expand opportunities for women in the real estate industry.

Reporting responsibilities to Ray Pacini, President, California Coastal Communities (parent company of Hearthside Homes), and formerly to Richard Ortwein, President of the Koll Company.

SIGNAL LANDMARK, Irvine, California (1987 to 1990)  
Senior Vice President/General Counsel

Responsibilities: Chief legal officer, member of corporate board of directors, and first woman officer in company's 30-year history, overseeing all legal activities of corporation from human services to development. Supervision of all legal matters attendant with the acquisition, entitlement and development of properties valued in excess of \$500 million; lead team member in management of 1600 acre Bolsa Chica residential development project; strong expertise in litigation prevention, resolution and management including cost controls for a member of company's board of directors; reporting responsibilities to Peter Denniston, CEO and President.

LAW OFFICES OF LUCETTA DUNN, Santa Ana, California (1981-1987)  
Principal

General practice of law. Business law, including related litigation, law and motion and trial work. Orange County Superior Court appointed attorney on selected sensitive cases. Significant expertise in elder law, probate, conservatorship asset management and real property sales. Additional practice in family law, estate planning, wills and trusts.



**EDUCATION**

**DUKE UNIVERSITY, SCHOOL OF BUSINESS (1989)**

Executive Education Program, Managing the Corporate Legal Department.

**WESTERN STATE UNIVERSITY, COLLEGE OF LAW (1981, J.D.)**

Honors: American Jurisprudence Award, Dean's List, graduated in top 20% of class.

Activities: Nu Delta Epsilon Legal Fraternity. While in law school, commenced profitable paralegal business assisting attorneys from several Los Angeles County and Orange County law firms on law and motion, trial briefs and general law practice.

Current on Mandatory Continuing Legal Education (MCLE) requirements.

**CALIFORNIA STATE UNIVERSITY, FULLERTON (1976, B.A. Political Science)**

Honors: Dean's List.

**AFFILIATIONS AND LEADERSHIP**

Member, California Transportation Commission, appointed by Governor Edmund G. Brown, Jr. 2012, Chair 2015, reappointed 2016, term expired 2020; Member, California Transportation Commission, appointed by Governor Schwarzenegger 2008; Member, South Coast Air Quality Management District, Small Business Advisory Committee, and member, Air Quality Management Plan Advisory Board 2011-6. 2006-2008 host of the Orange County Mayors' Summit on green technology, innovation, wireless and customer satisfaction; 2008 Member, Green Building Advisory Committee of the California State Building Codes; 1989 Founder, The Bolsa Chica Conservancy; 2000-2001 Representative on Governor Davis' Commission on Building for the 21<sup>st</sup> Century on behalf of Donald Koll; 2000-2016 Orange County Public Affairs Association; 2009 County of Orange 10 Year Plan to End Homelessness, committee member; Founding member and 2016 Chair, board of directors, Mobility 21.

2004 Vice-President and Director, California Building Industry Association; 2001 President, Building Industry Association of Southern California; 1997-2004 Director, Building Industry Association of Orange County; director, National Association of Home Builders; past associate member, Urban Land Institute; past Chair and director, Building Industry Legal Defense Foundation; Vice-Chair, Orange County Taxpayer's Association;

Member, California State Bar (inactive); Member, United States Supreme Court; Federal District Courts of Appeal.

Co-founder, Real Economic Association Leaders (REAL) Coalition of 20+ regional and statewide business CEOs. Board Member, Pacific Symphony. Board of Directors, California Women Lead. Founding board member, Homeful Foundation, dedicated to ending homelessness; Advisory board member Jamboree Housing; Member, Board of President Advisors, CSUF; Member, UCI Foundation; 2007-8 Member, Board of Directors, Catholic Charities of Orange County. Member, Orange Catholic Foundation. Chair, Orange County Housing Trust. Appointed in 2017 by Orange County Supervisor Lisa Bartlett, Fifth District, to the Coto de Caza Planning Advisory Committee, serving as chair.



### **AWARDS AND HONORS (selected)**

2022 Phelps Leadership Award, Orange County Business Council  
2022 California Building Foundation "Hall of Fame"  
2022 Mobility 21 Lifetime Achievement Award and "Tip of the Spear" Award  
2021 OC Taxpayers Association "Royalty" Award  
2019 Endangered Habitats League Award of Excellence  
2018 Orange County Business Journal "The 500"  
2017 WTS Woman of the Year  
2016 Black Chamber of Orange County, Distinguished Service Honoree  
2016 Girl Scouts of Orange County, Celebrate Leadership Honoree  
2015 OC Register's 100 Most Influential  
2014 Bishop's Award for Exemplary Leadership, Diocese of Orange  
2013 Goodwill of Orange County, Enduring Independence Award  
2013 CSU Fullerton, Excellence in Executive Leadership  
2012 Southern California Leadership Network "Public Sector Leader of the Year"  
2012 California Transportation Foundation "Person of the Year"  
2012 So. Cal. Association of Governments Private Sector Agency/Partner of the Year  
2009 California State Legislature "Woman of the Year" Award—Assem. Jeff Miller  
2007 California State University, Fullerton, "Vision and Visionary" Award  
*Orange County Metro's "Woman to Watch"*  
Bolsa Chica Conservancy's "Friend of Wetlands" Award  
2006 *Orange County Business Journal's* "Women in Business" Award recipient  
2004 Alumni of the Year, Western State University, College of Law  
2001 Building Industry Association of Southern California— first woman president in organization's 80 year history  
Numerous others.

### **OTHER ACTIVITIES**

Public Speaking: Regularly addresses national, state and local government, business and community groups to discuss public policy, housing and environmental issues.

Interviews: Regularly appears on news and community affairs television programs and provides newspaper opinion editorials and interviews on current events.

Lecturer: Occasionally "guest lecturer" for classes in planning, real estate, social ecology, law and business at colleges and universities.

Counselor: Provides individual career guidance for young people and women on academic and career objectives.

### **FAMILY**

Two OC born and raised sons, two accomplished daughters-in-law, and three grandchildren residing in the Bay Area.

### **PERSONAL INTERESTS**

Chorale and solo singing, cantor for church services, piano, travel.





PROCESSED BY:  
*[Signature]*

## MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Supervisor Katrina Foley, 5<sup>th</sup> District

Date: 3/1/23

*UAG KF*

**RE – Add Supplemental Item to 3/14/23 Board Meeting Agenda – Appoint Chase Wickersham, Newport Beach, to Behavioral Health Advisory Board**

*S38B*

I request to appoint Chase Wickersham to the Orange County Behavioral Health and Advisory Board for the 5<sup>th</sup> District for a term 3/10/23-3/9/25. Mr. Wickersham will replace Denis J. Taylor whose term ended 3/9/2023. Please place an item on the agenda for the March 14, 2023 Board of Supervisors meeting.

RECEIVED  
2023 MAR -3 AM 10:31  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to:

Clerk of the Board of Supervisors  
333 West Santa Ana Blvd., Suite 465  
Santa Ana, California 92701  
Website: [www.ocgov.com/gov/cob/](http://www.ocgov.com/gov/cob/)

RECEIVED  
20 JAN 31 PM 9:52  
CLERK OF THE BOARD OF SUPERVISORS  
COUNTY OF ORANGE

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP  
(SEE LIST AT [HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):

BHAB (BEHAVIORAL HEALTH ADVISORY BOARD)

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: ☐ First ☐ Second ☐ Third ☐ Fourth ☒ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

CHASE

First Name

—  
Middle Name

WICKERSHAM III

Last Name

—  
Street Address

CORONA DEL MAR  
City

—  
State

—  
Zip Code

—  
Home Phone Number

—  
Cell Phone Number

—  
Email Address

CURRENT EMPLOYER: RETIRED

OCCUPATION/JOB TITLE: —

BUSINESS ADDRESS: —

BUSINESS PHONE NUMBER: —

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

ARE YOU A CITIZEN OF THE UNITED STATES: ☒ YES ☐ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP: —

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: ORANGE COUNTY



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY	FROM (MO./YR.)	TO (MO./YR.)
AMERICAN LEGION POST 291 NEWPORT	2003	01/2023
VFW POST 9934	2017	01/2023
OC VETERANS & MILITARY FAMILIES COLLABORATIVE	2013	01/2023

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☒ YES ☐ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☐ YES ☒ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

SEE ATTACHED STATEMENT

DATE: 1/24/23

APPLICANTS SIGNATURE: Chase Withersham III

CLERK OF THE BOARD OF SUPERVISORS USE ONLY - DO NOT WRITE BELOW THIS LINE

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Deputy Clerk of the Board of Supervisors  
Date referred: \_\_\_\_\_  
To: ☐ BOS District 1 ☐ BOS District 2 ☐ BOS District 3 ☐ BOS District 4 ☐ BOS District 5  
☐ All BOS ☐ BCC Contact Person Name \_\_\_\_\_



January 24, 2023

## Application Statement for an appointment to the Orange County Behavioral Health Advisory Board (BHAB)

### **Why do you wish to serve on this board?**

Mental Health resources have become critical to solving many of the problems in Orange County such as homelessness, growing senior care issues, gang violence and increasing suicide rates among youths and seniors. Orange County has led the state with innovative mental health programs such as the implementation of Laura's Law, the DUI and Drug Courts, AOT or assisted outpatient treatment, various programs for veterans and military families and the Be Well Mental Health campus in Orange. I want to continue pushing the County and the HCA to fund innovative mental health programs for underserved populations using local service providers.

Chase Wickersham



# Chase Wickersham III

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**Objective** Retire comfortably with activities that help veterans in Orange County.

**Experience**

2017- present Retired

**Veteran Advocate**

- Member of American Legion Post 291 since 2003. Appointed Service Officer in 2019 and member of the Corporate Board. Started the Veteran Emergency Assistance Fund (VEAF) and raised over \$250,000 to help local veterans.
- Appointed to Jamboree Housing Advisory Council representing veterans.
- Appointed in 2012 to the MHSA steering committee until replaced by the Behavioral Health Advisory Board.
- Appointed to Orange County Veterans Advisory Council by Supervisor Moorlach in 2012 and reappointed by Supervisor Steele. Resigned in 2019.
- Appointed to the Orange County Behavioral Health Advisory Board by Supervisor Foley on April 12, 2022.
- Founding member of the OC Veterans and Military Families Collaborative in 2013 and currently serving on the OCVMFC steering committee.

2015- 2017 Tierney Center for Veteran Services at Goodwill Industries of Orange County

**Director**

- Helped Goodwill obtain a three year grant and was offered a position as Community Integration Manager. Promoted to Director to run the new Tierney Center and develop a community program to serve local veterans.

2009-2015 United States Veterans Initiative (U.S.VETS)

**Board of Directors**

- Invited to join the Board by the Chairman and President.

**Senior Vice President of Operations**

- Asked by the President to take a full-time position during a financial crisis.
- Developed a cash management and cash forecasting program.
- Identified and implemented a new financial software program.
- Developed a new IT structure and implemented company wide.
- Promoted management by objectives as a tool.
- Cultivated a new banking relationship and expanded the line of credit.
- With the CEO, put the company on a sound financial foundation.

**Chair of the US VETS Los Angeles Advisory Council**

- Elected in 2013 and recruited a new council with increased visibility to veteran clients and expanded fund raising to support the facility.

2002–2008 Wastech Controls & Eng'ing, Inc, Chatsworth, CA

**Executive Vice President and owner**

- Expanded sales from \$900K to \$4.5 million and sold my interest in 2008.



## Chase Wickersham Resume

- Organized the company for growth with new financing, new financial controls, new sales and marketing procedures, added a 401K, implemented CSIA certification, developed manufacturing and inventory controls, and added appropriate insurance.
- Developed an internet marketing program that contributed 80% of sales.

1998-2001      Burkert Contromatic Inc., Irvine, CA

### **Executive Vice President, Sales and Marketing**

- Expanded sales from \$14 million to \$27 million with new direct sales and new distributors. Reorganized the sales force, developed new distributor programs, improved communication with the European owners, changed the culture for the US market.

1992-1998      Flowline, Inc, Los Alamitos, CA

### **Vice President – Marketing & International Sales**

- Startup company growing sales from zero to \$6 million.
- Developed international into 25% of revenue.
- Expanded distribution with creative marketing and advertising.

1988-1992      George Fischer Signet Inc, Tustin, CA

### **President**

- Merged Signet sales and GF Piping Systems into one company.
- Improved profitability and increased sales to \$35 million.
- Developed an automation and instrumentation focus.

1973-1988

Held various positions as Commissioned Salesman, General Manager, Vice President Sales & Marketing, Chief Operating Officer in the medical equipment and factory automation markets.

## **Education**

Claremont Men's College      Claremont, CA

- B.A., Economics 1968

University of Southern California      Los Angeles, CA

- M.B.A, Marketing 1972

## **Military and Personal**

First Lieutenant US ARMY, served in Vietnam 1970-1971, awarded the Bronze Star medal for meritorious achievement. Served in the ARMY Reserves until honorably discharged in 1974. A resident of Corona Del Mar since 1991. Married for 48 years to his wife Grace. Raised two boys and today they have three grandchildren.





RECEIVED

2023 MAR -6 PM 1:36

CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

## MEMORANDUM

To: Robin Stieler, Clerk of the Board

From: Chairman Donald P. Wagner, Third District

Date: March 6, 2023

**RE: Supplemental Item for March 14, 2022 Board of Supervisors Meeting**

S38C

I would like to include on the agenda for the March 14, 2022 Board of Supervisors meeting a supplemental item adding Boys & Girls Club events to the County Events Calendar with the following recommended actions:

1. Approve the addition of Boys & Girls Club events to the County Events Calendar.
2. Find under Government Code section 26227 that Boys and Girls Club events will serve a public purpose of the County of Orange and will meet the social needs of the population of the County, including but not limited to, the areas of health, law enforcement, public safety, rehabilitation, welfare, education and legal services, and the needs of physically, mentally and financially handicapped persons and aged persons; that County staff and resources may be used in furtherance of such events; and that County staff may solicit donations of funds and services for such events.





## County of Orange

### Memorandum

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March 6, 2023

To: Robin Stieler, Clerk of the Board

From: Vice Chairman Andrew Do, Supervisor, First District  
Sheriff Don Barnes

Subject: Add Supplemental Item to the March 14, 2023, Board of Supervisors meeting

S38D

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Please add a supplemental item of business to the March 14, 2023, Board meeting agenda to prohibit the use of TikTok on County devices and equipment. The title of the item of business should read.

1. Direct the County Executive Office and OC Information Technology to amend the County Information Technology Policy and Social Media Use Policy to prohibit the downloading, viewing, and/or use of TikTok, a short form video hosting service, on County devices and equipment, except as necessary for law enforcement purposes.

Thank you.

RECEIVED  
2023 MAR -6 PM 2:42  
CLERK OF THE BOARD  
COUNTY OF ORANGE  
BOARD OF SUPERVISORS





RECEIVED - 7 PM 4:54

## **MEMORANDUM**

To: Robin Stieler, Clerk of the Board

From: Vice Chairman Andrew Do, 1<sup>st</sup> District

Date: 3/7/2022



**RE: Add Supplemental Item to March 14, 2023 Board Meeting Agenda –  
Appointment of Chinh Tuong Nguyen to the OC Behavioral Health Advisory  
Board**

S38E

Please place a supplemental item on the March 14, 2023 Board of Supervisors agenda to appoint Chinh Tuong Nguyen to the following regular member existing term which began 3/10/23 – 3/9/25.

cc: Chris Wangsaporn, Chief of Staff, BOS-1  
Valerie Sanchez, Chief Deputy Clerk, COB

RECEIVED  
2023 MAR -7 PM 4:54  
BOA





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

RECEIVED  
CLERK OF THE BOARD

FEB 14 2023

Return to:

Clerk of the Board of Supervisors  
333 West Santa Ana Blvd., Suite 465  
Santa Ana, California 92701  
Website: [www.ocgov.com/gov/cob/](http://www.ocgov.com/gov/cob/)

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

**NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP  
(SEE LIST AT [HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):**

Candidate for OC Behavioral Health Advisory Board

**SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE:** ☒ First ☐ Second ☐ Third ☐ Fourth ☐ Fifth

**APPLICANT NAME AND RESIDENCE ADDRESS:**

CHINH

First Name

TUONG

Middle Name

NGUYEN

Last Name

Street Address

Fountain Valley

City

CA

State

Zip Code

Home Phone Number

Cell Phone Number

**CURRENT EMPLOYER:**

**OCCUPATION/JOB TITLE:**

**BUSINESS ADDRESS:**

**BUSINESS PHONE NUMBER:**

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

**ARE YOU A CITIZEN OF THE UNITED STATES:** ☒ YES ☐ NO

**IF NO, NAME OF COUNTRY OF CITIZENSHIP:**

**ARE YOU A REGISTERED VOTER?** ☒ YES ☐ NO

**IF YES, NAME COUNTY YOU ARE REGISTERED IN:** Orange County



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY

FROM (MO./YR.)

TO (MO./YR.)

Cal State Fullerton	Sept 2021	present
Regional Center of Orange County	August 2021	present
Ngân Việt Daily News	2000	present

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☐ YES ☒ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☐ YES ☒ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

I love to help others around me, by getting involved in this board will give me an opportunity to do this.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

DATE:

2/8/2023

APPLICANTS SIGNATURE:

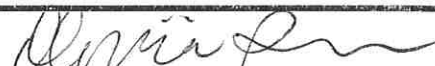


CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE

Date Received:

2-14-23

Received by:



Deputy Clerk of the Board of Supervisors

Date referred:

2-16-23

To:

☒ BOS District 1

☐ BOS District 2

☐ BOS District 3

☐ BOS District 4

☐ BOS District 5

☐ All BOS

☐ BCC Contact Person Name



## CHINH TUONG NGUYEN

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### EDUCATION:

\* 8/2004-8/06 MASTERS DEGREE IN BUSINESS

Vanguard University of Southern California  
Concentration in Organizational Leadership

\* 5/2001-5/2003 BACHELOR OF ART DEGREE

California State University, Fullerton

Major: Communications

Emphasis: Journalism

Minor: Speech Communication

Relevant Coursework: Intercultural Communication,  
Visual Communication, Interviewing, Communications Law,  
Mass Media Research, and Television Productions.

\* 1/1999-5/2001 ASSOCIATE OF ARTS DEGREE

Santa Ana College

Major: Liberal Arts

Relevant Coursework: Counseling, English Writing, Public  
Speaking.

### EXPERIENCE:

9/2022-present, Professor for Vietnamese Language Program at Cal State Fullerton.

1/2013-present: Board Member at Regional Center, Orange County: Helping people with special needs.

\* 4/06-9/2013 Founder, VNTEC Tutoring & Freelance at Nguoi Viet Newspaper

\* 4/04-4/06 Kid-Space Editor at Viet Bao Daily News and Freelance at Nguoi Viet Newspaper

\* 1/94-9/96 Part-time Reporter at Youth Newspaper & Magazine

Duties:

Writing articles

Reporting news information to local communities

Working with poor and ill people

\* 1/01-5/01 el Don, Staff Writer, Santa Ana College

Duties:

Writing articles

\* 1/02-5/03 On The Edge, Reporter, California State University, Fullerton

Duties:

Reporting news information to local communities and on campus activities.

Using Imovie as a tool for editing

Editing documentary video clips for local politicians

\* 5/02-8/02 St. Anselm's Cross Cultural Community Center, Instructor, CA

Duties:

Teaching ESL to new immigrants in city of Garden Grove



Helping others in job seeking

\* 11/99 - 11/04 Campaigns Assistant to Councilman in Garden Grove, Van Tran for State Assembly and Brett E. Franklin, Major Pro Tempore in Santa Ana.

Duties:

Guiding voters in registering to vote

Helping fundraising activities in both Vietnamese and American communities

Broadcasting for Vietnamese Radio Stations in Little Saigon.

Writing articles for campaign's newspaper

\* 12/04-12/2013 Instructor at Holy Spirit Church

Duties:

Teaching Vietnamese for young kids and foreign students.

AWARDS:

BEST STUDENT, American Language & Culture Program, 1998.

California State University, Dominguez Hills.

PROLIFIC WRITER AWARD, LCP International Institute

Irvine Valley College Center

REFERENCES

Available upon request.

A Member of Asian American Journalists Association

Briefly about Chinh Nguyen:

Chinh Nguyen is a budding bilingual activist for special-needs children. As mother to a daughter diagnosed with ADHD and a son on the autism spectrum, she discovered in their earlier years that in their immigrant community, few services existed to help families with daily challenges and moreover, the social stigma of such illnesses prevented many parents from going public with their youngsters' situations. She meets privately with families to aid in connecting them to health and educational resources. A former reporter, her passion is reading and watching "Dateline." She is a graduate of Cal State Fullerton with a degree in communications and has a Master's in Organizational Leadership from Vanguard University. Born in Saigon she was orphaned at age 4 and later found passage to the U.S. as an international student. She has worked in the international student division at Santa Ana College and has more than a decade of experience in teaching Vietnamese serving community building running her own tutoring center, helping to handle grassroots outreach for Vietnamese American political campaigns and the U.S. Census Bureau.

Ref links:

<https://youtu.be/32nj5BXKDGy>

<https://www.autismparentingmagazine.com/autism-interview-chinh-nguyen/?fbclid=IwAR37WfPmLyDez5utEAAswD8u6y1NqCVOuoRY0upHTYWLskFY2tuPDsj5Uhw>

Bé gái gốc Việt 10 tuổi ra mắt sách về em trai bị tự kỷ





# Continuation or Deletion Request

**Date:** March 13, 2023  
**To:** Clerk of the Board of Supervisors  
**From:** Frank Kim, County Executive Office  
**Re:** ASR Control #: N/A, Meeting Date 3/14/23 Agenda Item No. # S38F  
**Subject:** **Condemnation Action, Riverside & San Bernardino Counties, Prado Dam Project**

Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=County of Orange,  
ou=CEO, email=frank.kim@coe.org, c=US  
Date: 2023.03.13 12:26:26 -0700

---

☒ Request to continue Agenda Item No. # S38F to the 3/28/23 Board Meeting.

Comments:

☐ Request deletion of Agenda Item No. # \_\_\_\_\_

Comments:

2023 MAR 13 PM 12:03  
COUNTY OF ORANGE  
CLERK OF THE BOARD OF SUPERVISORS  
RECEIVED





## County Executive Office

### Memorandum

March 9, 2023

To: Clerk of the Board of Supervisors

From: Frank Kim, County Executive Officer

Digitally signed by Frank Kim  
DN: cn=Frank Kim, ou=CEO, ou=County  
Executive Office,  
email=f.kim@ocgov.com, c=US  
Date: 2023.01.09 08:26:09 -0800

Subject: Exception to Rule 21

RECEIVED  
2023 MAR -9 PM 12:50  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS  
538.F

The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 14, 2023, Board Hearing.

Agency: County Executive Office – Real Estate

Subject: Condemnation Action, Riverside & San Bernardino Counties, Prado Dam Project

Districts: All

**Reason Item is Supplemental:** We are under a deadline from the Army Corps of Engineers to deliver possession of the required properties so that construction to raise the Prado Dam spillway can begin.

**Justification.** Per the Army Corps' Optimal Schedule, we must acquire the property interests by June 30, 2023, so that the Corps can contract for the Project's spillway construction by mid-2024. If this item is delayed, we will not be able to acquire the real property interests in time and the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County.

Concur:


  
Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors  
County Executive Office  
County Counsel





SUPPLEMENTAL AGENDA ITEM  
AGENDA STAFF REPORT

MEETING DATE: 3/14/23  
LEGAL ENTITY TAKING ACTION: Orange County Flood Control District  
BOARD OF SUPERVISORS DISTRICT(S): All Districts  
SUBMITTING AGENCY/DEPARTMENT: County Executive Office  
DEPARTMENT HEAD REVIEW:   
DEPARTMENT CONTACT PERSON(S): Thomas A. Miller (714) 834-6019  
James Treadaway (714) 667-9700

SUBJECT: Condemnation Action, Riverside & San Bernardino Counties, Prado Dam Project

CEO CONCUR



Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=CEO,  
ou=County Executive Office,  
email=Frank.Kim@ocgov.com, c=US  
Date: 2023.03.09 08:32:02 -08'00'

CEO Signature

COUNTY COUNSEL REVIEW

Approve Resolutions to Form

Action



County Counsel Signature

CLERK OF THE BOARD

Public Hearing  
2/3 Vote

Budgeted: Yes

Current Year Cost: See Financial  
Impact Section

Annual Cost: N/A

Staffing Impact: No

# of Positions:

Sole Source: N/A

Current Fiscal Year Revenue: N/A

Funding Source: Fund 404: 100%

County Audit in last 3 years: No

Prior Board Action: 10/6/2020 #4, 1/28/2003 #40, 12/7/1999 #49

RECOMMENDED ACTION(S):

1. Conduct public hearing.
2. At the conclusion of the hearing, make the following findings:
  - a) A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989 and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001 and reflects the independent judgment of the District as Lead Agency. Addendum No. 1 (IP 21-0211) was previously adopted by the Board of Supervisors on August 23, 2022 and reflects the



independent judgment of the Orange County Flood Control District as Lead Agency. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1, adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:

1. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 EIS and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.
- b) All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.
3. Rescind Resolution of Necessity 22-108 (Parcel No. E01PD-42-004, 42-030 – Jurupa) adopted on August 23, 2022.
4. At the conclusion of the hearing, adopt the Resolutions of Necessity attached as Attachments E through J to this Agenda Staff Report, which include the above-described CEQA findings and also the findings required by the California Eminent Domain Law for adoption of each Resolution of Necessity, and which direct and authorize County Counsel and/or outside eminent domain counsel, the firms of Burke, Williams and Sorensen and/or Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to certain interests in real property as described in the Resolution of Necessity (Subject Property Interests).
5. At the conclusion of the hearing, direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber and transfer funds to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount as described in the Resolutions of Necessity; and to be made as one or more deposits of estimated compensation in the condemnation proceedings; and to encumber such additional funds, and transfer such additional funds, as may be requested by County Counsel, and if necessary to satisfy any court orders for higher deposits or payment of greater compensation, or as necessary to pay for title insurance and other fees and costs in connection with the acquisition of the Subject Property Interests pursuant to each Resolution of Necessity.
6. Waive potential conflict as to Burke, Williams and Sorenson related to their representation of the District in the Carson Chino II matter, per the request letter attached hereto as Attachment D.

#### **SUMMARY:**

Conducting a public hearing and considering adoption of Resolutions of Necessity that allow the Orange County Flood Control District to acquire property for the Santa Ana River Mainstem/Prado Dam Project



will provide protection to the public from flood and storm waters from the potential effects of a 190-year flood/storm event.

## **BACKGROUND INFORMATION:**

On December 7, 1999, the Board of Supervisors (Board) for the Orange County Flood Control District (District) authorized the initiation of the Prado Dam Project Real Property Acquisition Program. On January 28, 2003, your Board authorized the execution of a Project Cooperation Agreement and Second Modification to the Local Cooperation Agreement for the Santa Ana River Mainstem Project, and on October 6, 2020 your Board authorized Amendment Number 1 to the Project Cooperation Agreement along with the Recommended Actions including authorizing the Director of OC Public works or designee to execute ancillary documents or Relocation Agreements approved by County Counsel not to exceed \$1 million per utility or property owner relocation need per fiscal year. The Project Cooperation Agreement requires the local sponsors of the Santa Ana River Mainstem Project, including the District, to acquire real property interests and perform relocation/protection of utilities, streets and highways as necessary for construction and related revised flood control operations.

The recommended action, adoption of the proposed Resolutions of Necessity (Resolutions), would find and declare it to be necessary to institute eminent domain proceedings to acquire the real property interests described below, which are located in the Counties of Riverside and San Bernardino, for the District's Santa Ana River Mainstem/Prado Dam Project (Project), which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, and find and declare that the public interest and necessity require the Project for the purpose of controlling flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a up to 200-year flood/storm event. In particular, the recommended action would find and declare that it is necessary for the District to acquire permanent flowage easement interests as described in the Resolutions of Necessity, in order to meet the deadline of the United States Army Corps of Engineers (Corps) to award the contract for construction of the Project's spillway in 2023.

If the Corps' schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. The Subject Property Interests are necessary for the Project, in order to provide sufficient protection from storm events and flooding to those downstream from the Prado Dam and because the area of the Subject Property Interests will be exposed to greater risk or frequency of inundation as a result of the Prado Dam's increased reservoir capacity once the spillway is increased in height.

A more detailed description of the intended public use of, and necessity for, these acquisitions is contained in the accompanying OC Public Works Memoranda, attached hereto as Attachment B, which is incorporated herein by this reference and that provides substantial information supporting the requested findings contained in the proposed Resolutions of Necessity. The information presented in this Agenda Staff Report and in that Memoranda are legally sufficient to show that the public interest and necessity require the Project for the purposes specified by the Orange County Flood Control Act (California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. sections 36-1 et seq.) (Act), including, but not limited to, the control of flood and storm waters. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses described herein and in the accompanying OC Public Works Memoranda under the California Constitution and the California Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5 and the Act.



Accordingly, County Counsel and OC Public Works / Infrastructure Programs / Flood Programs request your Board, acting in its capacity as the governing Board of the District, to adopt the proposed Resolutions to authorize and direct County Counsel and/or outside eminent domain counsel, the law firms of Burke, Williams & Sorensen (BWS) and/or Murphy and Evertz (M&E), pursuant to their existing contracts with the District, to file and pursue proceedings to condemn and acquire the Subject Property Interests, which are more particularly described in the proposed Resolutions of Necessity attached as Attachment E through J. With regard to the Carson Chino II property, E01PD 45-012, BWS, is requesting that the Board waive a potential conflict because BWS represents the Inland Empire Utilities Agency (IEUA) in employment discrimination matters and IEUA may have an easement that overlaps with the easement that the District is seeking to acquire over the Carson Chino II property. IEUA may ultimately have to be named in the District's lawsuit and would also waive the conflict. The attorneys assigned to the unrelated matters are different. BWS seeks a conflict waiver to continue representing IEUA in the employment matters. Staff recommend waiving the conflict.

Although the Subject Property Interests are located in the Counties of Riverside and San Bernardino, they are within the reach of the District's extraterritorial power of eminent domain pursuant to Sections 2 and 16 of the Act.

Rescission of Resolution of Necessity 22-108 (Parcel No. E01PD-42-004, 42-030 – Jurupa) adopted on August 23, 2022 is required because the Resolution of Necessity was inadvertently adopted without all of the pages making the necessary findings. The appraisal has also been updated and a new amount will be offered to the property owners. A new Resolution of Necessity for this property is recommended to be adopted by the Board at this hearing. (Attachment J.)

To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the District's Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

#### **FINANCIAL IMPACT:**

Appropriations are included in the Flood Fund 404 FY 2022-23 Budget for issuance of a one-time cost of \$8,085,085 via the following account codes:

#	Property Owner Name	Amount	Project Parcel No.	Account Coding with JCN
1	Watson Land	\$969,000	E01PD 46-014	404-080-404-LS21-4100-ESP2112
2	Majestic	\$3,138,000	E01PD 45-020	404-080-404-LS24-4100-ESP2115
3	Youngs Holdings	\$1,268,000	E01PD 46-010	404-080-404-LS22-4100-ESP2113
4	Carson Chino I	\$1,359,085	E01PD 46-013	404-080-404-LS26-4100-ESP2117
5	Carson Chino II	\$1,165,000	E01PD 45-012	404-080-404-LS25-4100-ESP2116
6	Jurupa Community Services District	\$186,000	E01PD 42-004, E01PD 42-030	404-080-404-LS47-4100-ESP2138
	<b>Grand Total</b>	<b>\$8,085,085</b>		



Payments will be made upon Board approval of the proposed recommended actions. Additional presently unknown costs may also include payments for title fees and other costs upon recordation, as well as the potential for other required payments that a court may order be deposited and/or paid in the condemnation actions. Any unknown costs will be absorbed within the existing appropriation of Flood Fund 404.

**STAFFING IMPACT:**

N/A

**REVIEWING AGENCIES:**

OC Public Works

**ATTACHMENT(S):**

Attachment A - Code Provisions  
Attachment B - OC Public Works Memoranda  
Attachment C - Real Estate Acquisition Questionnaire  
Attachment D - Waiver of Conflict letter  
Attachment E - Resolution of Necessity (Parcel No. E01PD-46-014 - Watson Land)  
Attachment F - Resolution of Necessity (Parcel No. E01PD-45-020 - Majestic)  
Attachment G - Resolution of Necessity (Parcel No. E01PD-46-010 - Youngs Holdings )  
Attachment H - Resolution of Necessity (Parcel No. E01PD-46-013 - Carson Chino I)  
Attachment I - Resolution of Necessity (Parcel No. E01PD-45-012 - Carson Chino II)  
Attachment J - Resolution of Necessity (Parcel No. E01PD-42-004, 42-030 - Jurupa)  
Attachment K - Notice of Intent to Consider RON (Parcel No. E01PD-46-014 - Watson Land)  
Attachment L - Notice of Intent to Consider RON (Parcel No. E01PD-45-020 - Majestic)  
Attachment M - Notice of Intent to Consider RON (Parcel No. E01PD-46-010 - Youngs Holdings)  
Attachment N - Notice of Intent to Consider RON (Parcel No. E01PD-46-013 - Carson Chino I)  
Attachment O - Notice of Intent to Consider RON (Parcel No. E01PD-45-012 - Carson Chino II)  
Attachment P - Notice of Intent to Consider RON (Parcel No. E01PD-42-004, 42-030 - Jurupa)



## ATTACHMENT A

### **O.C. Flood Control Act provisions**

WATER -- UNCODIFIED ACTS  
Orange County Flood Control Act (1927 ch 723)

#### **§ 2. Purposes of Act; Powers of district**

**(a)** The purposes of this act are to provide for the control of the flood and storm waters of the district, and the flood and storm waters of streams that have their source outside of the district, but which flow into the district, and to conserve those waters for beneficial and useful purposes by spreading, storing, retaining, and causing them to percolate into the soil within the district, or outside the district, or to save or conserve in any manner all or any of those waters and protect from damage from those flood or storm waters, the harbors, waterways, public highways, and property in the district.

**(b)** The **Orange County Flood Control District** is hereby declared to be a body corporate and politic and has all of the following powers:

- (1)** To have perpetual succession.
- (2)** To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (3)** To adopt a seal and alter it at pleasure.
- (4)** To take by grant, purchase, gift, devise, or lease, and to hold, use, enjoy, and to sell, lease, exchange, or dispose of real or personal property of every kind, within or outside the district, necessary to the full exercise of its powers.
- (5)** To acquire, or contract to acquire, lands, rights-of-way, easements, privileges and property of every kind, and to construct, maintain, and operate any and all works or improvements within or outside the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as authorized in this act.
- (6)** To exercise the right of **eminent domain**, either within or outside the district, to take any property necessary to carry out any of the objects or purposes of this act.
- (7)** To incur indebtedness, and to issue bonds in the manner provided in this act.
- (8)** To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district in the manner provided in this act.
- (9)** To make contracts, and to employ labor, and to do all acts necessary for the full exercise of the powers of the district, or any of the officers thereof, by this act.
- (10)** To grant or otherwise convey to counties, cities and counties, cities, or towns,



## ATTACHMENT A

easements for street and highway purposes, over, along, in, through, across, or under any real property owned by the district.

**(11)** To remove, carry away, and dispose of any rubbish, trash, debris, or other inconvenient matter that may be dislodged, transported, conveyed, or carried by means of, through, in, or along the works and structures operated or maintained hereunder and deposited upon the property of the district or elsewhere.

**(12)** To sell or dispose of any property, or any interest therein, or lease or rent any property, or any interest therein, whenever, in the judgment of the board of supervisors, the property, or any interest therein or part thereof, is not required for the purposes of the district, or property may be leased, or included in community leases embracing adjoining lands, for any purpose, including leases for mining or extracting oil, gas, hydrocarbon substances, or other minerals, without interfering with the use of the property for the purposes of the district. If it appears that wells drilled upon private lands are draining or may drain oil, gas, or other hydrocarbon substances from lands owned by the district and operations for the production of oil, gas, or other hydrocarbons on land owned by the district might interfere with the use of that land for the purposes of the district, the district may enter into agreements with the owners or operators of the wells for the payment of compensation to the district for drainage in lieu of drilling offset wells upon the land owned by the district, and to pay any compensation received into the general fund of the district and use the compensation for the purposes of this act. However, nothing in this section authorizes the board of supervisors, or other governing body of the district, or any officer thereof, to sell, lease, or otherwise dispose of any water, water right, reservoir space, or storage capacity, or any interest or space therein, except as provided by Section 17. The district may also grant to the United States of America, or any agency thereof authorized to accept and pay for land which lies within any channel, dam, or reservoir site, improved or constructed, in whole or in part, with federal funds, upon the payment to the district of the actual cost thereof as determined by the board of supervisors of the district. The district, by and through its board of supervisors, may warrant and guarantee the title of all lands so transferred to the United States under this section.

**(13)** Pursuant to paragraph (12), to lease or rent any property, or any interest therein or part thereof, if the board adopts a resolution that meets all of the following requirements, as applicable:

**(A)** Includes all of the following findings, based on evidence set forth in the minutes of the meeting:

**(i)** The property, or any interest therein or part thereof, is no longer or not yet needed for district uses and purposes, including, but not limited to, flood protection and water conservation, and the lease or rental use will not conflict with the uses and purposes of the district.

**(ii)** The lease or rental is consistent with the city or county general plan, specific plan, or other plans or policies adopted for the area within which the property is located, including any plans and regulations adopted pursuant to Chapter 4 (commencing with [Section 8400](#)) of [Part 2 of Division 5 of the Water Code](#).

**(iii)** The lease or rental is consistent with city or county zoning ordinances, regulations, and policies adopted for the area within which the property is located.



## ATTACHMENT A

**(iv)** The lease or rental is consistent with the city or county building regulations and policies adopted for the area within which the property is located.

**(B)** In the case of a rental, specifies the rental period and the approximate date on which the property will be needed for the uses and purposes of the district.

**(C)** For any property acquired by the district through **eminent domain**, declares that the property was acquired through **eminent domain** in accordance with Title 7 (commencing with [Section 1230.010](#)) of Part 3 of the Code of Civil Procedure.

**(14)** To monitor, test, or inspect drainage, flood, storm, or other waters within the district for the purpose of recording, determining, and reporting the quality of the waters to appropriate regional water quality control boards.

**(15)** To assist the County of Orange and any city within the county in emergency operations to control or mitigate the effect of titles, waves, and ocean currents on the Orange County shoreline.

**(16)** To carry on technical and other investigations, examinations, or tests of all kinds, make measurements, collect data, and make analyses, studies, and inspections pertaining to water supply, control of floods, use of water, water quality, nuisance, pollution, waste, and contamination of water, both within and outside the district.

**(17)** To regulate, prohibit, or control the discharge of pollutants, waste, or any other material into the district's facilities by requiring dischargers to obtain a permit from the district prior to any discharge and by prohibiting the discharge of pollutants or other material which does or may cause a nuisance into the district's facilities without first obtaining a permit from the district, but, if a federal permit has been issued for the discharge, a permit may be issued by the district at no fee to the discharger; except as provided in this act, to require a fee to be collected prior to the issuance of a discharge permit, if the amount of the fee does not exceed the cost of issuing the permit; to require all permitholders to indemnify the district from any and all damages, penalties, or other expenses imposed on or required of the district by state or federal agencies due to any discharge by the permitholders into the district facilities.

**(18)** To establish compliance with any federal, state, or local law, order, regulation, or rule relating to water pollution or the discharge of pollutants, waste, or any other material into the district's facilities. For this purpose, any authorized representative of the district, upon presentation of his or her credentials or, if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13 (commencing with [Section 1822.50](#)) of Part 3 of the Code of Civil Procedure, has the right of entry to any premises on which a water pollution, waste, or contamination source is located for the purpose of inspecting the source, including securing samples of discharges therefrom, or any records required to be maintained in connection therewith by federal, state, or local law, order, regulation, or rule.



**Code of Civil Procedure provisions**

**Code of Civil Procedure § 1230.010. Short title**

This title shall be known and may be cited as the Eminent Domain Law.

**Code of Civil Procedure § 1240.010. Exercise of power for public use**

The power of eminent domain may be exercised to acquire property only for a public use. Where the Legislature provides by statute that a use, purpose, object, or function is one for which the power of eminent domain may be exercised, such action is deemed to be a declaration by the Legislature that such use, purpose, object, or function is a public use.

**Code of Civil Procedure § 1240.110. Acquisition of certain interests in property; enumeration; restriction**

(a) Except to the extent limited by statute, any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire any interest in property necessary for that use including, but not limited to, submerged lands, rights of any nature in water, subsurface rights, airspace rights, flowage or flooding easements, aircraft noise or operation easements, right of temporary occupancy, public utility facilities and franchises, and franchises to collect tolls on a bridge or highway.

(b) Where a statute authorizes the acquisition by eminent domain only of specified interests in or types of property, this section does not expand the scope of the authority so granted.

**Code of Civil Procedure § 1240.510. Authority; reference in complaint and resolution**

Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the proposed use will not unreasonably interfere with or impair the continuance of the public use as it then exists or may reasonably be expected to exist in the future. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.



**Code of Civil Procedure § 1240.610.** Authority; reference in complaint and resolution

Any person authorized to acquire property for a particular use by eminent domain may exercise the power of eminent domain to acquire for that use property appropriated to public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated. Where property is sought to be acquired pursuant to this section, the complaint, and the resolution of necessity if one is required, shall refer specifically to this section.

**Code of Civil Procedure § 1245.235.** Notice and hearing; contents; conduct

(a) The governing body of the public entity may adopt a resolution of necessity only after the governing body has given each person whose property is to be acquired by eminent domain and whose name and address appears on the last equalized county assessment roll notice and a reasonable opportunity to appear and be heard on the matters referred to in [Section 1240.030](#).

(b) The notice required by subdivision (a) shall be sent by first-class mail to each person described in subdivision (a) and shall state all of the following:

- (1) The intent of the governing body to adopt the resolution.
- (2) The right of such person to appear and be heard on the matters referred to in [Section 1240.030](#).
- (3) Failure to file a written request to appear and be heard within 15 days after the notice was mailed will result in waiver of the right to appear and be heard.

(c) The governing body, or a committee of not less than 11 members thereof designated by the governing body if the governing body has more than 40 members, shall hold a hearing at which all persons described in subdivision (a) who filed a written request within the time specified in the notice may appear and be heard on the matters referred to in [Section 1240.030](#). Such a committee shall be reasonably representative of the various geographical areas within the public entity's jurisdiction. The governing body need not give an opportunity to appear and be heard to any person who fails to so file a written request within the time specified in the notice. If a committee is designated by the governing body pursuant to this subdivision to hold the hearing, the committee, subsequent to the hearing, shall provide the governing body and any person described in subdivision (a) who has appeared before the committee with a written summary of the hearing and a written recommendation



## ATTACHMENT A

as to whether to adopt the resolution of necessity. Any person described in subdivision (a) who has appeared before the committee shall also be given an opportunity to appear and be heard before the governing body on the matters referred to in [Section 1240.030](#).

(d) Notwithstanding subdivision (b), the governing body may satisfy the requirements of this section through any other procedure that has given each person described in subdivision (a) reasonable written personal notice and a reasonable opportunity to appear and be heard on the matters referred to in [Section 1240.030](#).

### **Code of Civil Procedure § 1245.240. Vote required for adoption**

Unless a greater vote is required by statute, charter, or ordinance, the resolution shall be adopted by a vote of two-thirds of all the members of the governing body of the public entity.



**Government Code provisions**

**Government Code § 25350.5. Power of eminent domain**

The board of supervisors of any county may acquire by eminent domain any property necessary to carry out any of the powers or functions of the county.

**Government Code § 7267.1. Acquisition by negotiation; appraisal**

(a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during his or her inspection of the property. However, the public entity may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

**Government Code § 7267.2. Just compensation; property offered for sale by owner**

(a)(1) Prior to adopting a resolution of necessity pursuant to [Section 1245.230 of the Code of Civil Procedure](#) and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.



## ATTACHMENT A

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner's rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.

(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

(d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

(e) As used in subdivision (d), "offered for sale" means any of the following:

(1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.

(2) Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.



**Government Code § 65402. Acquisition or disposition of property; construction of buildings; requirements before action**

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for



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street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.





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# ORANGE COUNTY Public Works MEMORANDUM

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** *James Treadway, Director* *L. Danna*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project: All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

## Synopsis:

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

### A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, Burke, Williams & Sorensen (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Watson Land Company ("Owner"), which real property is located 6911 BICKMORE AVE. & 16133 FERN AVE. in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 6.868 acres is referred to by the District as Project Parcel No. E01PD-46-014, and which covers San Bernardino County Assessor's Parcel Nos. 1056-231-04 and 1056-241-04 (the "Subject Property Interests").

### B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the



Administrative Services



OC Development Services



OC Facilities Design & Construction Management



OC Facilities Maintenance & CUF



OC Fleet Services



OC Construction



OC Environmental Resources



OC Operations & Maintenance



OC Infrastructure Programs



OC Survey



Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.

In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of



flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps' Optimal Schedule, the Corps plans to advertise the project in the Fall of 2023 and award the contract for construction of the Project's spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam's increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin").

The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of



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the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood (“RDF”) and Standard Project Flood (“SPF”) with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps’ official request which identifies specific lands, easements, and rights-of-way to acquire.

In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.



The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second (“cfs”) as the maximum peak discharge. To determine that properties need to be acquired up to the 566’ elevation, the GDM and Hydrology Report uses “the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area”—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566 feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566’.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566 feet elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.

**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.



Negotiations with the owner initially commenced on April 5, 2019, and a revised offer was sent February 17, 2023. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.



**6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code.

**D. Other Considerations:**

**1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested but has not been completed due the property owner's unwillingness to grant access. An HMA will be prepared when access is obtained either through legal proceedings or upon execution of the contract by the property owner.

**2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$969,000, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-4100-LS21-0000 Job No. ESP2112.

**Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, Burke, Williams & Sorensen, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-9700.





ORANGE COUNTY  
**OC Public Works**  
**MEMORANDUM**

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OC Infrastructure  
 Programs



OC Survey

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** *SB* James Treadway, Director *L. D. Duma*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project:  
 All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

**Synopsis:**

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

**A. Specific Real Property Interests to be Considered and Acquired:**

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Majestic-AMB South Chino, LLC, a Delaware limited liability company ("Owner"), which real property is located at 16045 Mountain Avenue, in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 25.294 acres and is referred to by the District as Project Parcel No. E01PD-45-020, and which covers a portion of San Bernardino County Assessor's Parcel Nos. 1027-221-03 & 1056-191-03 (the "Subject Property Interests").



**B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:**

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.



In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps' Optimal Schedule, the Corps plans to advertise the project in the fall of 2023 and award the contract for construction of the Project's spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam's increased reservoir capacity once the spillway is



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increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin").

The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood ("RDF") and Standard Project Flood ("SPF") with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second ("cfs") – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps' official request which identifies specific lands, easements, and rights-of-way to acquire.



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In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second ("cfs") as the maximum peak discharge. To determine that properties need to be acquired up to the 566' elevation, the GDM and Hydrology Report uses "the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area"—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566 feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566'.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566 feet elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.



**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.

Negotiations with the owner initially commenced on February 16, 2023. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

- a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.
- b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.



- c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

**6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code.

**D. Other Considerations:**

**1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested and conducted. A memo dated February 3, 2023 from North OC Watershed Management Area resulted in no evidence of environmental degradation and recommended the property acquisition proceed.

**2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$3,138,000, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS24-4100, Job No. ESP2115.

**3. Relocation Assistance.**

The District has not yet assigned a Relocation Consultant to interview any possible tenants to determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the Owner and any tenants or occupants remaining onsite ("Claimants") within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.

**Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:



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1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-9700.





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ORANGE COUNTY  
**OC Public Works**  
**MEMORANDUM**

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** *James Treadway, Director* *K. Dumas*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project: All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

**Synopsis:**

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

**A. Specific Real Property Interests to be Considered and Acquired:**

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, BURKE, WILLIAMS & SORENSEN, LLP (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Young's Holdings, Inc ("Owner"), which real property is located at 6711 Bickmore Avenue in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 10.74 acres is referred to by the District as Project Parcel No. E01PD-46-010, and which covers San Bernardino County Assessor's Parcel No. 1056-221-03 (the "Subject Property Interests").

**B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:**

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the



Administrative Services



OC Development Services



OC Facilities Design & Construction Management



OC Facilities Maintenance & CUF



OC Fleet Services



OC Construction



OC Environmental Resources



OC Operations & Maintenance



OC Infrastructure Programs



OC Survey



Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.

In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of



flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps' Optimal Schedule, the Corps plans to advertise the project in the Fall of 2023 and award the contract for construction of the Project's spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam's increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin").

The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of



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the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood (“RDF”) and Standard Project Flood (“SPF”) with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps’ official request which identifies specific lands, easements, and rights-of-way to acquire.

In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.



The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second (“cfs”) as the maximum peak discharge. To determine that properties need to be acquired up to the 566’ elevation, the GDM and Hydrology Report uses “the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area”—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566 feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566’.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566 feet elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.

**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement



showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.

Negotiations with the owner initially commenced on May 22, 2019 and continue. Real Estate staff reappraised the property in January of 2023 and presented a new offer on May 18, 2023. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified



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CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

### **6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code.

### **D. Other Considerations:**

#### **1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested but has not been completed due the property owner's unwillingness to grant access. An HMA will be prepared when access is obtained either through legal proceedings or upon execution of the contract by the property owner.

#### **2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$1,268,000, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS22-4100-00000-ESP2113, Job Number ESP2113.

### **Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, BURKE, WILLIAMS & SORESENSEN, LLP, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-9700.





ORANGE COUNTY  
**OC Public Works**  
**MEMORANDUM**

County Administration South  
601 North Ross Street  
Santa Ana, CA 92701

P.O. Box 4048  
Santa Ana, CA 92702

(714) 667-8800

info@ocpw.ocgov.com

OCPublicWorks.com



Administrative  
Services



OC Development  
Services



OC Facilities Design  
& Construction  
Management



OC Facilities  
Maintenance  
& CUF



OC Fleet Services



OC Construction



OC Environmental  
Resources



OC Operations &  
Maintenance



OC Infrastructure  
Programs



OC Survey

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** *for* James Treadway, Director *L. Duma*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project: All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

### Synopsis:

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

### A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Carson Chino South LLC, a California limited liability company ("Owner"), which real property is located at 16142 Fern Avenue in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 6.752 acres and is referred to by the District as Project Parcel No. E01PD-46-013, and which covers a portion of San Bernardino County Assessor's Parcel No. 1056-211-04 (the "Subject Property Interests").

### B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the



Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.

In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of



flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps' Optimal Schedule, the Corps plans to advertise the project in the fall of 2023 and award the contract for construction of the Project's spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam's increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin").

The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of



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the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood (“RDF”) and Standard Project Flood (“SPF”) with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps’ official request which identifies specific lands, easements, and rights-of-way to acquire.

In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.



The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second (“cfs”) as the maximum peak discharge. To determine that properties need to be acquired up to the 566’ elevation, the GDM and Hydrology Report uses “the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area”—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566 feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during the SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566’.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566 feet elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.

**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.



Negotiations with the owner initially commenced on July 21, 2022. A revised offer was made on February 16, 2023. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

- a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.
- b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.
- c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

**6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code.



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### **D. Other Considerations:**

#### **1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested and conducted. A Memo dated October 14, 2021 from OC Environmental Resources resulted in no evidence of environmental degradation and recommended the property acquisition proceed.

#### **2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$1,359,085.00, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS26-4100, Job No. ESP2117.

#### **3. Relocation Assistance.**

The District has not yet assigned a Relocation Consultant to interview any possible tenants to determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the Owner and any tenants or occupants remaining onsite ("Claimants") within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.

### **Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-9700.





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OCPublicWorks.com

ORANGE COUNTY  
**OC Public Works**  
**MEMORANDUM**

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** *James Treadway, Director* *L. Danna*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project: All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

**Synopsis:**

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

**A. Specific Real Property Interests to be Considered and Acquired:**

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Carson Chino South LLC, a California Limited Liability Company ("Owner"), which real property is located at 16043 & 16501 El Prado Rd. in the City of Chino in San Bernardino County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 7.545 acres and is referred to by the District as Project Parcel No. EO1PD-45-012, and which covers a portion of San Bernardino County Assessor's Parcel Nos. 1027-201-05 & 1027-201-06 (the "Subject Property Interests").

**B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:**



Administrative Services



OC Development Services



OC Facilities Design & Construction Management



OC Facilities Maintenance & CUF



OC Fleet Services



OC Construction



OC Environmental Resources



OC Operations & Maintenance



OC Infrastructure Programs



OC Survey



As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes, and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur.

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.

In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement ("LCA") between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the



LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps' Optimal Schedule, the Corps plans to advertise the project in the fall of 2023 and award the contract for construction of the Project's spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam's increased reservoir capacity once the spillway is increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin").



## ATTACHMENT B

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The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood (“RDF”) and Standard Project Flood (“SPF”) with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps’ official request which identifies specific lands, easements, and rights-of-way to acquire.

In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet



to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second (“cfs”) as the maximum peak discharge. To determine that properties need to be acquired up to the 566’ elevation, the GDM and Hydrology Report uses “the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area”—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566 feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566’.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566 feet elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.

**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property



Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.

Negotiations with the owner initially commenced on February 16, 2023. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.



## ATTACHMENT B

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### **6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Chino ("City") as required by the Code.

### **D. Other Considerations:**

#### **1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested and conducted. A Memo dated December 10, 2021 from OC Environmental Resources resulted in no evidence of environmental degradation and recommended the property acquisition proceed.

#### **2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$1,165,000; which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS25-4100, Job No. ESP2116.

#### **3. Relocation Assistance.**

The District has not yet assigned a Relocation Consultant to interview any possible tenants to determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the Owner and any tenants or occupants remaining onsite ("Claimants") within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.

### **Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.

Should you have further questions, please contact me at (714) 667-9700.





ORANGE COUNTY  
**OC Public Works**  
**MEMORANDUM**

County Administration South  
 601 North Ross Street  
 Santa Ana, CA 92701

P.O. Box 4048  
 Santa Ana, CA 92702

(714) 667-8800

info@acpw.ocgov.com

OCPublicWorks.com



Administrative  
 Services



OC Development  
 Services



OC Facilities Design  
 & Construction  
 Management



OC Facilities  
 Maintenance  
 & CUF



OC Fleet Services



OC Construction



OC Environmental  
 Resources



OC Operations &  
 Maintenance



OC Infrastructure  
 Programs



OC Survey

**To:** Members, Board of Supervisors, as Governing Board of the Orange County Flood Control District

**From:** ~~For~~ James Treadway, Director *K. Duma*

**Date:** March 02, 2023

**Subject:** Public Hearing on the Proposed Adoption of a Resolution of Necessity for Condemnation of Real Property Interest for the Prado Dam Project: All Districts (Board of Supervisors' Meeting Date: March 28, 2023)

### Synopsis:

On March 14, 2023, County Counsel, on behalf of the Orange County Flood Control District ("District"), will present an agenda item requesting that the Orange County Board of Supervisors ("Board"), acting in its capacity as the governing Board of the District, consider for adoption a proposed Resolution of Necessity ("Resolution"), after the duly noticed public hearing and full consideration, authorizing the filing of a condemnation action to acquire real property interests described with particularity below (the "Subject Property Interests") for the Prado Dam Project ("Project"). The Project is necessary to protect the safety, health, and welfare of residents and properties in Orange County from the devastating effects of major storms, including a 190-year and 200-year storm event. Acquisition of the Subject Property Interests is required for the Project to carry out the Project's flood control purposes.

### A. Specific Real Property Interests to be Considered and Acquired:

County Counsel, the OC Public Works Department, and the County Executive Office request your Board to consider for adoption the proposed Resolution (provided as an attachment to the ASR) to authorize and direct County Counsel and/or special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz (previously approved by your Board for purposes of representing the District on the Project), to file and pursue proceedings to condemn and acquire the Subject Property Interests, which pertain to and affect real property that is owned as a matter of record title by Jurupa Community Services District, a public agency ("Owner"), which real property is located on the northern edge of the Santa Ana River, on the east side of Harrison Avenue, south of Cobble Creek Drive in the City of Eastvale, in Riverside County and which Subject Property Interests are described as follows:

Permanent flowage easement in real property that is legally described and depicted by Exhibits A and B attached to the proposed Resolution, which easement area of approximately 5.75 acres and is referred to by the District as Project Parcel No. E01PD-42-004 and E01PD-42-030, and which covers a portion of Riverside County Assessor's Parcel Nos. 152-030-019 and 152-570-036 (the "Subject Property Interests").



**B. Mailing of Notice of Hearing and Intention to Owners of Record of the Subject Property Interests:**

As shown by the Declaration of Mailing that will be on file with the Clerk of the Board prior to the public hearing on this matter, in compliance with Code of Civil Procedure section 1245.235, the Clerk of the Board mailed to Owner a Notice of Intention notifying them of the hearing and of the Board's intention to consider the adoption of the Resolution, and of Owner's right to appear and be heard on the issues described therein.

**C. Required Findings and Analysis of Facts Supporting Such Findings:**

As a prerequisite to the Board's adoption of the Resolution, at the close of the public hearing, the California eminent domain law (Code of Civil Procedure sections 1245.220 and 1245.230, et seq.) requires the Board to make the findings described below. District staff of the OC Public Works Department has analyzed the Project and its objectives, as well as the acquisitions proposed, with those required findings and legal requirements in mind. Staff hereby recommends to the Board that it make each and all the findings, and staff provides the following analysis and support for these findings:

**1. The public interest and necessity require the Project.**

The existing Prado Dam ("Dam") was built in 1941 for flood protection purposes and is located near the confluence of State Routes 71 and 91. The Dam is operated by the U.S. Army Corps of Engineers ("Corps"). Because of increased urbanization both upstream and downstream of the Dam, accumulation of sedimentation, and environmental factors, the flood control protection of the Dam has significantly diminished over the past 75 years. The Corps considers this situation along the Santa Ana River to constitute "the worst flood threat west of the Mississippi River," with probable devastating impacts to residents and property, resulting in a risk of significant loss of life and personal and economic injury, should a significant flood event occur:

Given these conditions, the Corps developed the Santa Ana River Mainstem ("SAR") Project, as generally described in the Corps' 1988 Phase II General Design Memorandum ("GDM") and Final Supplemental Environmental Impact Statement, which includes construction of Reach 9 (the area of the Project located between Weir Canyon Road in the County of Orange and the Riverside County-Orange County boundary), the raising of the Dam's spillway and embankment and constructing new higher capacity outlet works. Additionally, the Corps developed the Limited Reevaluation Report ("LRR") in 2001 for the purpose of introducing SAR Project modifications following the 1988 GDM, which specifically included three components, the Norco Bluffs (Component A), Prado Basin (Component B), and Reach 9 (Component C). The LRR also served as a basis for the development of the Project Cooperation Agreement ("PCA") between the Corps and the District.



In order to cooperate with the Corps and to carry out the Project, in 1989 your Board approved the SAR Project Local Cooperation Agreement (“LCA”) between the Corps, the District, and the flood control districts of Riverside and San Bernardino counties, as well as the PCA in 2003. Both the LCA and PCA require the District to acquire real property rights for inundation and construction of flood protection structures (E.G., dikes, bank protection, and floodwalls), if the Project is to be completed. Unless all property rights (including the Subject Property Interests) are acquired by the District in the areas subject to inundation, the Project may not be completed or may not be entirely effective. If the Project is not completed, the risks and perils identified by the Corps, as described above, may impact Orange County residents and properties. Thus, the Project is necessary to protect the health, safety, and welfare of the residents of the County of Orange.

**2. The Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury.**

Given the location of the Santa Ana River, and given the fact that the Dam embankment, spillway, and reservoir already exist, there is no cost-effective alternative to the Project in order to provide the desired level of flood protection and to achieve the public benefits and protection described above. Prior to 1989, the Corps conducted significant analysis over several years to determine Project requirements and potential impacts to address the serious flood threat discussed above, while mitigating environmental and other impacts and minimizing private injury, as feasible. Based on these studies, the District has determined that it is necessary to acquire the Subject Property Interests. There is no feasible or cost-effective alternative to the Project that would reduce impacts on those private properties affected by the Project.

**3. The Subject Property Interests are necessary for the Project.**

If the Subject Property Interests are not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to State Route 91, and a significant risk of property damage, injury, and loss of life suffered by those downstream in Orange County. Per the Corps’ Optimal Schedule, the Corps plans to advertise the project in the Fall of 2023, and award the contract for construction of the Project’s spillway in mid-2024. It is necessary to acquire the Subject Property Interests so that the Corps can proceed with construction of the Project. If that schedule is not met, vital Project funding may be lost or delayed, thus exposing the citizens of Orange County to a prolonged risk of property damage and personal injury from a major storm event. It is necessary to obtain the Subject Property Interests to prevent and mitigate such risks.

In addition, the Subject Property Interests themselves will be exposed to greater risk or frequency of inundation because of the Prado Dam’s increased reservoir capacity once the spillway is



## ATTACHMENT B

increased in height. The Project will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level ("Flood Control Basin")

The District needs to acquire up to 566 feet elevation to assure flood protection, as directed by the Corps—the federal agency tasked with constructing the Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996—and as based on the GDM.

The Corps provided the specifications and published the GDM, which includes within it a Hydrology Report.

The GDM is the basis for the design of the Prado Dam and its other features, including the storage capacity of the Prado basin, located behind the Dam and which is used to help control discharge of water downstream and the spillway.

The Prado Dam Project was designed per the GDM specifications to withstand both the Reservoir Design Flood ("RDF") and Standard Project Flood ("SPF") with a 190-year and 200-year return frequency, respectively. The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the Prado Dam outflow during the RDF and SPF to a maximum of 30,000 cubic feet per second ("cfs") – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

The GDM requires the design of the Prado Dam Project to meet both RDF and SPF criteria. However, since the SPF involves a less frequent storm with higher inflow peak discharges and flood storage requirements, the SPF is being used as the basis for the minimum design criteria including the raising of the water surface up to elevation 566 within the Flood Control Basin during this storm event. Consequently, this would require the acquisition of properties up to elevation 566 for flooding purposes. Notwithstanding the difference between the RDF and SPF, both flood events result in similar maximum peak discharge (i.e., 30,000 cfs) downstream of Prado Dam.

Under the LCA, the Corps, as the federal sponsor of the Project, is obligated to determine the lands, easements, and rights-of-way required for the construction, operation and maintenance of the Prado Dam Project. The Corps provides the District with general written descriptions, including maps as appropriate, of the lands that the District must acquire. The District proceeds with the acquisition only after receiving the Corps' official request which identifies specific lands, easements, and rights-of-way to acquire.



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In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during the SPF. Accordingly, the 1988 GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet (according to National Geodetic Vertical Datum 1929), and therefore, acquisition of land up to elevation 566' is required for Prado Dam to operate as designed.

The Santa Ana River channel downstream of Prado Dam can safely convey 30,000 cubic feet per second ("cfs") as the maximum peak discharge. To determine that properties need to be acquired up to the 566' elevation, the GDM and Hydrology Report uses "the flood that would result from the most severe combination of meteorologic and hydrologic conditions considered reasonably characteristic of the geographical area"—also known as the SPF. The Corps uses the SPF as the hypothetical design storm with the corresponding maximum design peak discharge that should be selected for the Project.

The Project was designed to protect against the peak inflow which occurs during the SPF event (275,000 cfs) by containing it within the Flood Control Basin, while also ensuring that the peak discharge downstream of the dam does not, exceed 30,000 cfs. The ability to contain the peak inflow during the SPF event can be accomplished only if the water is allowed to pond up to elevation 566' feet in the Flood Control Basin.

The Corps designed to protect against a SPF, as defined in the GDM, which indicates that during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but still limit the outflow of the Dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the Dam being partially opened, as well as additional water flowing down over the spillway at elevation 566'.

The Project, as designed, will, during the SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs, which is the estimated maximum capacity of the Santa Ana River Channel downstream of Prado. During the SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that surface water elevation. This can be accomplished only by acquiring the properties within the Prado basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin.

Here, the Subject Property Interests are below the 566' elevation. Unless the District acquires property in easement or fee for the Flood Control Basin up to elevation 566', the Prado Dam will not operate as it is designed as specified in the GDM and Hydrology Report.



**4. The offer required by California Government Code section 7267.2 was made to the owner of record of the Subject Property Interests.**

In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal has been prepared covering the Subject Property Interests. An offer based on said appraisal has been made to Owner, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of the value has been delivered to Owner.

Negotiations with the owner initially commenced on August 26, 2021, and continue. Real Estate staff followed up on August 17, 2022. Negotiations will continue, however, in order to proceed with timely acquisition of this Parcel in accordance with the Project, it is necessary to request the Board of Supervisors to consider the adoption of a Resolution of Necessity to allow us to commence the condemnation process at this time.

**5. Compliance with CEQA.**

Final Environmental Impact Report No. 583 ("Final EIR No. 583") was previously certified on November 28, 1989 and reflects the independent judgment of the District as Lead Agency. Final Supplemental Environmental Impact Statement/Report No. 583 ("Final Supplemental EIS/EIR No. 583") was previously certified on December 19, 2001 and reflects the independent judgment of the Orange County Planning Commission as Lead Agency. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583, which were prepared and satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, respectively, adequately addressed and fully analyzed the condemnation action proposed herein, which is a necessarily included element contemplated as part of the whole Project.

a. The circumstances of the Project are substantially the same as when Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were adopted, and Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 adequately addressed the effects of the proposed condemnation action. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken, and no new information of substantial importance to the Project which was not known or could not have been known when the prior Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 were certified has become known in relation to this proposed condemnation action. Thus, no further CEQA review is required.

b. Final EIR No. 583 and Final Supplemental EIS/EIR No. 583 are adequate to satisfy the requirements of CEQA for the proposed condemnation action.



- c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design, or included in the procedures of the Project implementation.

Because the requested action would merely accomplish a property acquisition through condemnation proceedings, in accordance with the CEQA Guidelines and the previously certified CEQA documents for the project, which reflect the independent judgment of the Lead Agency, the proposed Project is recommended for approval.

**6. General Plan (Government Code Section 65402).**

A conformity statement for the Project was requested from the City of Eastvale ("City") as required by the Code. The City never responded.

**D. Other Considerations:**

**1. Compliance with County's Hazardous Materials Assessment (HMA) Policy.**

A Hazardous Materials Assessment was requested and conducted. A Memo dated December 11, 2020 from OC Environmental Resources resulted in no evidence of environmental degradation and recommended the property acquisition proceed.

**2. Funds.**

Your Board is asked to authorize counsel to obtain an Order of Possession for the Parcel. Your Board is also requested to authorize counsel to make a deposit of estimated just compensation in the amount of \$186,000, which is based on the appraisal previously obtained and will be paid from Fund 404-080-404-LS47-4100, Job No. ESP2138.

**3. Relocation Assistance.**

The District has not yet assigned a Relocation Consultant to interview any possible tenants to determine their eligibility for benefits, because no offer has been accepted. When a Relocation Company is assigned, the relocation consultant will explain the Relocation Assistance Program to the Owner and any tenants or occupants remaining onsite ("Claimants") within 60 days after the offer to purchase is accepted as required by law. The District will coordinate with the relocation consultant firm to ensure that relocation benefits, if any, are provided to eligible Claimants upon obtaining an Order of Possession or at acquisition by settlement and/or by court order.



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### **Recommended Actions:**

Accordingly, we respectfully recommend that your Board, acting in the capacity as the governing Board of the District, at the conclusion of the public hearing noticed by the Clerk of the Board, adopt, by at least a two-thirds vote of the Board, the proposed Resolution of Necessity and take the following actions:

1. Make the required Findings described above and stated therein;
2. Direct County Counsel and/or previously approved special litigation counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, to institute eminent domain proceedings to condemn and acquire the Subject Property Interests; and
3. Authorize the Auditor-Controller to encumber and disburse funds as described in the proposed Resolution.
4. Rescind Resolution of Necessity No. 22-108, Item No. 38, passed and adopted by the Orange County Board of Supervisors, on August 23, 2022.

Should you have further questions, please contact me at (714) 667-9700.



## ATTACHMENT C

### **Real Property Acquisition Questionnaire\* for ASR**

(\*Applies to property purchase, or acquisition lease, license or easement)

#### Instructions:

- This questionnaire was developed with input from Auditor Controller, Internal Auditor and CEO Real Estate to assure that County leadership is fully informed.
- Insert the complete answer after each question below.
- When completed, save and include as an Attachment to your ASR.
- In the body of the ASR focus on the considerations relevant to the decision.
- If you need assistance, please contact CEO Real Estate.

1. What property interest is being considered for acquisition (fee, lease, license, easement)?
  - a) Why is this property being considered for acquisition? *It is required for the Prado Dam Project*
  - b) How and who identified this property for a potential acquisition? *Army Corps of Engineers requires acquisition of all property below the 566-inundation line.*
  - c) What factors are key in recommending this property for acquisition? *This property is below the 566-inundation line.*
  - d) How does the proposed acquisition fit into the County's/District's strategic or general plan? *It is part of the Prado Dam Project*
  - e) What are the short and long term anticipated uses of the property? *Open space for flowage of flood waters.*
  - f) Are there any limitations on the use of the property for its intended purposes? *No.*
2. What analysis has been performed as to whether to acquire the proposed real property interest?
  - a) Have there been any internally or externally prepared reports regarding this property acquisition? *Yes.*
  - b) Who performed the analysis? *Army Corps of Engineers and Flood Engineers.*
  - c) Provide details about the analysis and cost/benefit comparison. *The Project and required acquisition are necessary to avoid loss of property and/or life in the event of a major storm/flood event.*
3. How was the acquisition price, or lease/license rent, determined? *By an appraisal.*
  - a) Who performed the appraisal or market study and what certifications do they possess? *A third-party independent F&E appraiser. A internal review of the appraisal was performed.*
  - b) How does the price/rent compare with comparable properties? *It is comparable.*
  - c) Does the setting of the price/rent follow industry standards and best practices? *Yes.*
  - d) What are the specific maintenance requirements and other costs within the agreement and who is responsible? *The County already owns these properties and is responsible for maintenance of these properties, primary consisting of weed control and fencing. Provide an estimate of the costs to the County/District if applicable. Unknown.*
4. What additional post-acquisition remodeling or upgrade costs will be needed for the property to meet its intended use? *Some demolition may be required.*
  - a) Will any of the upgrades be required to meet County, ADA, or other standards and requirements? *N/A.*
  - b) Include estimates of the costs. *Unknown.*
  - c) What department will be responsible for the costs? *Flood.*
5. Can the County terminate the purchase/easement, lease/license? *Yes prior to conclusion of the lawsuit.*
  - a) What would be necessary to terminate the agreement, and when can it be terminated? *A dismissal through the court.*
  - b) Are there penalties to terminate the purchase/easement, or lease/license? *We may have to pay the owners legal fees if we decide not to proceed.*



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6. What department will be responsible for the acquisition payments? Flood.
  - a) Are the acquisition costs budgeted in the department's budget? Yes.
  - b) What fund number will the funds for the acquisition ultimately be drawn from? Fund 404.
  - c) Will any restricted funds be used for the acquisition? (Check with the Auditor Controller's General Accounting Unit and Counsel if you have questions about whether restricted funds are involved.) N/A.
  - d) If restricted funds will be used, has County Counsel advised that this is an allowable use of the proposed restricted funds? N/A.
7. Does the proposed purchase/lease/license/easement agreement comply with the CEO Real Estate standard language? Yes.
  - a) List any modified clauses and reasons for modification.



## ATTACHMENT C

8. If this is a lease, is it a straight lease, an operating agreement, a lease with an option to purchase, or a capital lease (see details below)? **N/A**

Capital Lease Determination: At the inception of any *potential* capital lease, it is important to contact the Auditor-Controller's Capital Asset Unit for further guidance to ensure that proper classification and accounting for the lease occurs. There are specialized accounting rules and required forms for capital leases. See further details in the County's Accounting Manual, Policy No. FA-1: *Accounting for Lease Purchases (Capital Leases)*, located on the intranet. For accounting purposes only, a capital lease exists if ANY one (1) of the following four (4) criteria is met:

- i) Lease transfers ownership to the County by the end of the term.
- ii) Lease contains an option to purchase the property by the end of the term for a price lower than the expected fair market value of the property? (For example \$1 or \$1,000, and based on this option price, for accounting purposes only, the ultimate purchase of the property is deemed reasonably assured at the inception of the lease.)
- iii) Lease term is equal to 75% or more of the remaining estimated useful life of the leased property.\*
- iv) Present value of the minimum lease payments is equal to 90% or more of the fair value of the property at the inception of the lease.\*

\*Criteria iii) and iv) don't apply if the lease term begins in the last 25% of a property's estimated useful life.

To validate whether a lease is a capital lease for accounting purposes, please contact the Auditor-Controller's Capital Asset Unit at [capitalassets@ac.ocgov.com](mailto:capitalassets@ac.ocgov.com).



Direct No.: 213.236.2819  
asozio@bwslaw.com

January 13, 2023

Via Email

Leon J. Page, Esq.  
County Counsel  
Office of the County Counsel  
333 W. Santa Ana Blvd., Ste 407  
Santa Ana, CA 92701  
leon.page@coco.ocgov.com

Re: Potential Conflict-of-Interest Waiver  
Burke, Williams & Sorensen, LLP representation of the Inland Empire  
Utilities Agency and Orange County Flood Control District

Dear Mr. Page:

As you know, Burke, Williams & Sorensen, LLP ("BWS") provides property acquisition and eminent domain litigation services to the Orange County Flood Control District ("OCFCD") in regard to, among other things, the acquisition of properties for the Prado Dam Project. As part of the Prado Dam project, OCFCD would like to retain Burke, Williams & Sorensen, LLP ("BWS") in connection with an eminent domain lawsuit to be filed on its behalf in San Bernardino Superior Court to condemn a flowage easement over a portion of property commonly known as 16043 El Prado Road, Chino, CA and owned by Carson Chino South LLC (OCFCD Parcel 45-012) (the "Eminent Domain Action"). Alan Sozio and Nora Wetzel are the BWS attorneys who will be primarily responsible for this representation.

Inland Empire Utilities Agency ("IEUA") owns the property to the north of OCFCD Parcel 45-012 and appears to hold an encroachment easement over portions of OCFCD Parcel 45-012 allowing for pedestrian and vehicular access for the benefit of the IEUA property. Initial review of IEUA's encroachment easements on the OCFCD Parcel 45-012 indicates no overlap with the flowage easement to be taken by OCFCD in the Eminent Domain Action. Even if there is any overlap, it appears likely that the uses allowed under IEUA's encroachment easements will not conflict with OCFCD's flowage



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easement and will be allowed to continue. Thus, OCFCD may ultimately determine not to name IEUA as a defendant in the Eminent Domain Action.

In matters that are wholly unrelated to the Eminent Domain Action, BWS currently represents IEUA in regard to certain litigation matters regarding allegations of employment discrimination (the “IEUA Matters”). Michael R. Nebenzahl has been the BWS attorney responsible for handling IEUA Matters. The IEUA Matters consist of the following:

1. *Ortiz v. Inland Empire Utilities Agency*, San Bernardino Superior Court Case No. CIV DS 2020900; and
2. *Walker v. Inland Empire Utilities Agency*, San Bernardino Superior Court Case No. CIVSB2026701.

In order for BWS to represent the OCFCD concerning the Eminent Domain Action, and at the same time represent IEUA on unrelated matters, we request that OCFCD waive any conflicts of interest with IEUA.

The California Rules of Professional Conduct, which regulate the conduct of members of the State Bar, provide specific guidance as to actual and potential conflicts of interest. Rule 1.7 provides, in pertinent part (emphasis added):

(a) A lawyer shall not, without informed written consent from each client and compliance with paragraph (d), represent a client if the representation is directly adverse to another client in the same or a separate matter.

(b) A lawyer shall not, without informed written consent from each affected client and compliance with paragraph (d), represent a client if there is a significant risk the lawyer’s representation of the client will be materially limited by the lawyer’s responsibilities to or relationships with another client, a former client or a third person, or by the lawyer’s own interests.

(c) Even when a significant risk requiring a lawyer to comply with paragraph (b) is not present, a lawyer shall not represent a client without written disclosure of the relationship to the client and compliance with paragraph (d) where:

(1) the lawyer has, or knows that another lawyer in the lawyer’s firm has, a legal, business, financial, professional, or personal relationship with or responsibility to a party or witness in the same matter ...



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(d) Representation is permitted under this rule only if the lawyer complies with paragraphs (a), (b), and (c), and:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law; and

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal.

Under this rule and in the abundance of caution, we are obligated to inform you of the potential of a conflict between BWS's ongoing representation of IEUA in the IEUA Matters while simultaneously representing OCFCD in the Eminent Domain Action. Specifically, IEUA may determine that its interests in OCFCD Parcel 45-012 may be affected by the taking or the project even if IEUA is ultimately not named as a defendant in the Eminent Domain Action and decides to seek compensation from OCFCD as a result. Should such a conflict arise, for BWS to represent IEUA in the IEUA Matters while simultaneously representing OCFCD in the Eminent Domain Action, both IEUA and OCFCD must waive all potential or existing conflicts of interest. This letter constitutes OCFCD's waiver of conflicts and consent to BWS's representation of IEUA.

In connection with the above, please be aware that information relating to BWS's representation of any and all clients is and will remain protected as required by *Business and Professions Code* Section 6068(e), even where we represent two clients in circumstances like those presented here. In addition, BWS will not have any BWS attorney represent both the IEUA and OCFCD at the same time.

Please know that by your signature below, OCFCD acknowledges and agrees that BWS will represent IEUA in the IEUA Matters.

Please sign and return one copy of this letter to my office. If you have any questions or wish to discuss the contents of this letter further, please contact me at 213-236-2819.



January 13, 2023

Page 4

We greatly value our firm's relationship with OCFCD and appreciate your consideration of this request.

Sincerely,

BURKE, WILLIAMS & SORENSEN, LLP



ALAN A. SOZIO

cc: Michael R. Nebenzahl

The undersigned on behalf of Orange County Flood Control District hereby waives all conflicts arising from the representation by Burke described in this letter of the Orange County Flood Control District and also with respect to the IEUA Matters.

---

Leon J. Page, Esq., County Counsel on  
behalf of Orange County Flood Control District

Date: \_\_\_\_\_, 2023



## ATTACHMENT E

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

**March 14, 2023**

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Watson Land Company (“Owner”) and located at 6911 BICKMORE AVENUE & 16133 FERN AVENUE in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting concrete paving and curbing, concrete perimeter walls, entrance gates, asphalt paved driveways and parking lot, parking lot light standards, perimeter landscaping, irrigation systems and drainage improvements provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner

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Resolution No.\_\_\_\_\_, Item No.\_\_\_\_

Santa Ana River Mainstem/Prado Dam Project

Acquisition by Eminent Domain of Real Property for Flood Control Purposes



## ATTACHMENT E

all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 27, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the Orange County Flood Control District (“District”), to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a March 14, 2023, hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,



## ATTACHMENT E

**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023, Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds, determines, and directs:

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:



## ATTACHMENT E

b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firm of Burke, Williams & Sorensen pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$969,000, Job No ESP2112; to be paid from Fund 404-080-404-LS214100-ESP2112. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional funds as may be requested by

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Santa Ana River Mainstem/Prado Dam Project  
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## ATTACHMENT E

County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$969,000.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the "Orange County Flood Control Act") and the Water Resources Development Act of 1986, as amended and set forth in 33 U.S.C. 2213 (WRDA) including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to ensure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the Prado Dam Project specifications and was responsible for the 1988 Santa Ana River Phase II General Design Memorandum ("GDM"), including the Hydrology Report within the GDM.



## ATTACHMENT E

c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam (“Flood Control Basin”), and the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the flow during a SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, and additional water flowing down over the spillway from the Flood Control Basin at elevation 566 feet.



## ATTACHMENT E

f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway and increasing the storage capacity of the Flood Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood (“RDF”). An RDF has a 190-year return frequency. The spillway feature of the Project is designed to withstand an RDF but working with the Project’s other features as designed in the GDM, provides overall protection from an SPF. The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [cfs] through a combination of spillway flow and regulated outlet discharge.” As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF.

g. Accordingly, the Prado Dam Project, as designed, will, during a SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During an SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.



## ATTACHMENT E

h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project, as they are below the 566' elevation. It is necessary that the District acquire the Subject Property Interests to carry out the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.



## ATTACHMENT E

8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the acquisition of the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Burke, Williams & Sorensen pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, "District's Counsel"), are hereby directed and authorized to institute eminent domain



## ATTACHMENT E

proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District's Counsel deems it to be necessary and appropriate. District's Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation of the project for what the Subject Property Interests are being acquired.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.



**ATTACHMENT E**  
**EXHIBIT A**

**LEGAL DESCRIPTION**

Santa Ana River – Prado  
Facility No.: E01PD  
Parcel No.: 46-014

Riverside County  
APNs 1056-231-04  
& 1056-241-04

Those portions of Parcels C and D, as shown on Certificate Approving A Lot Line Adjustment, in the City of Chino, County of San Bernardino, State of California, recorded as document number 2009-0467361 of official records of San Bernardino County, together with that portion of Fern Avenue, per Map of Subdivision of Part of Rancho Santa Ana Del Chino, recorded in Book 6 of Maps, Page 15, Records of San Bernardino County, which would pass by operation of law to the owners of said parcels upon vacation of said Fern Avenue, described as a whole as follows:

**Beginning** at the southerly terminus of that certain course in the boundary of said Parcel D, shown on said certificate as having a bearing of North 00°36'13" West and a length of 13.49 feet, said terminus also being on the easterly right-of-way line of said Fern Avenue (33.00 feet in half width) per said certificate; thence along a line perpendicular to the centerline of said Fern Avenue, South 89°23'47" West, 33.00 feet to said centerline; thence along said centerline North 00°36'13" West, 610.44 feet; thence leaving said centerline North 24°29'46" East, 258.14 feet; thence North 89°18'13" East, 236.90 feet; thence South 64°21'15" East, 420.66 feet; thence South 28°03'39" East, 128.15 feet; thence South 00°18'41" West, 17.57 feet; thence South 65°12'31" West, 136.95 feet; thence South 89°18'41" West, 547.25 feet; thence South 00°41'19" East, 390.49 feet; thence North 89°18'41" East, 205.00 feet; thence South 28°30'46" East, 65.00 feet; thence South 82°19'23" East, 97.00 feet; thence North 89°51'13" East, 140.00 feet; thence South 00°41'53" East, 6.60 feet to the Southerly line of said Parcel D; thence along said Southerly line South 89°17'25" West, 549.30 feet, to the **Point of Beginning**.

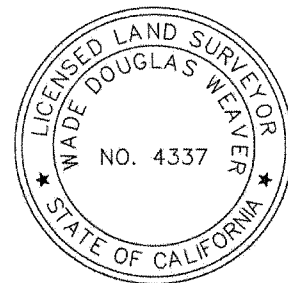
Containing 6.868 Acres, more or less.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED  
Kevin Hills, County Surveyor, L.S. 6617

Wade Douglas Weaver  
By: Wade Douglas Weaver, L.S. 4337

Date: 5/17/17





# ATTACHMENT E

## PLAT TO ACCOMPANY LEGAL DESCRIPTION

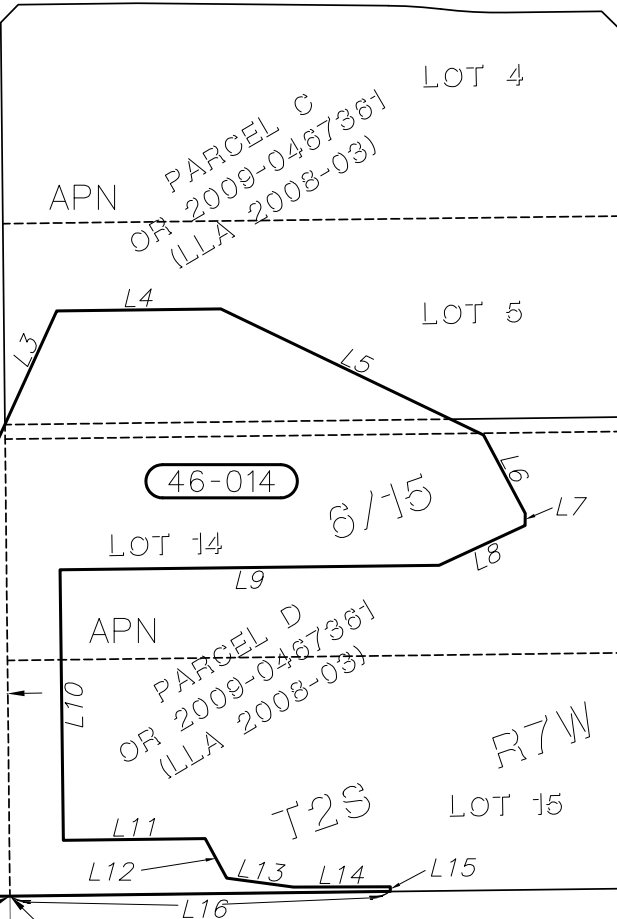
LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S89° 23' 47"W	33.00'
L2	N00° 36' 13"W	610.44'
L3	N24° 29' 46"E	258.14'
L4	N89° 18' 13"E	236.90'
L5	S64° 21' 15"E	420.66'
L6	S28° 03' 39"E	128.15'
L7	S00° 18' 41"W	17.57'
L8	S65° 12' 31"W	136.95'
L9	S89° 18' 41"W	547.25'
L10	S00° 41' 19"E	390.49'
L11	N89° 18' 41"E	205.00'
L12	S28° 30' 46"E	65.00'
L13	S82° 19' 23"E	97.00'
L14	N89° 51' 13"E	140.00'
L15	S00° 41' 53"E	6.60'
L16	S89° 17' 25"W	549.30'

CITY OF CHINO

FERN AVENUE

BICKMORE AVE

EUCLID AVENUE



MB 66'

SEC 31

SAN BERNARDINO COUNTY



OC PUBLIC WORKS  
OC SURVEY  
RIGHT - OF - WAY

ROW ID # 2016 - 013  
SCALE : 1" = 250'

EXHIBIT B  
SHEET 1 OF 1

PROJECT : PRADO BASIN - WATSON LAND PARCELS (E01PD-46-014)

BY: JRB



## ATTACHMENT F

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

**March 14, 2023**

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Majestic-AMB South Chino, LLC, a Delaware limited liability company (“Owner”) and located at 16045 Mountain Avenue, in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting concrete paving at loading dock and walkway areas, asphalt paved parking areas, perimeter fencing, guard kiosks, landscaping, related utilities provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the

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## ATTACHMENT F

rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 24, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the Orange County Flood Control District (“District”), to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a March 14, 2023 hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-

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## ATTACHMENT F

thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023, Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds, determines, and directs:

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:
    - b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the

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## ATTACHMENT F

effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firm of Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$3,138,000, Job No. ESP2115; to be paid from Fund 404-080-404-LS24-4100-ESP2115. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following

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## ATTACHMENT F

transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$3,138,000.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the "Orange County Flood Control Act") and the Water Resources Development Act of 1986, as amended and set forth in 33 U.S.C. 2213 (WRDA) including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to ensure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the Prado Dam Project specifications and was responsible for the 1988 Santa Ana River Phase II General Design Memorandum ("GDM"), including the Hydrology Report within the GDM.

c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam ("Flood Control Basin"), and

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## ATTACHMENT F

the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the flow during a SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, and additional water flowing down over the spillway from the Flood Control Basin at elevation 566 feet.

f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway and increasing the storage capacity of the Flood



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Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood (“RDF”). An RDF has a 190-year return frequency. The spillway feature of the Project is designed to withstand an RDF but working with the Project’s other features as designed in the GDM, provides overall protection from an SPF. The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [ cfs] through a combination of spillway flow and regulated outlet discharge.” As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF.

g. Accordingly, the Prado Dam Project, as designed, will, during a SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During an SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.



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h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566', the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project, as they are below the 566' elevation. It is necessary that the District acquire the Subject Property Interests to carry out the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.



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8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the acquisition of the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Murphy and Evertz, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, "District's Counsel"), are hereby directed and authorized to institute eminent domain proceedings for the

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foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District's Counsel deems it to be necessary and appropriate. District's Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation of the project for what the Subject Property Interests are being acquired.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

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# ATTACHMENT F

## EXHIBIT A

### LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin  
Facility No.: E01PD  
Parcel No.: 45-020

A portion of Parcel 1 and all of Parcel 2 of Parcel Map No. 16157, in the City of Chino, County of San Bernardino, State of California, as per map recorded in Book 201, Pages 41 and 42 of Parcel Maps, in the office of the County Recorder of said county, together with those portions of Bickmore Avenue and Mountain Avenue which would pass by operation of law upon abandonment, described as a whole as follows:

Beginning at the southeasterly corner of said Parcel 2; thence along the southerly line of said Parcel 2 and the southerly line of said Bickmore Avenue North  $89^{\circ}43'47''$  West, 2300.42 feet to the centerline of said Mountain Avenue as shown on said Parcel Map No. 16157; thence along said centerline North  $00^{\circ}19'56''$  East, 136.00 feet; thence leaving said centerline South  $89^{\circ}40'04''$  East, 33.00 feet to the westerly line of said Parcel 1; thence along said westerly line North  $00^{\circ}19'56''$  East, 562.00 feet; thence leaving said westerly line South  $89^{\circ}40'04''$  East, 92.30 feet; thence South  $00^{\circ}20'15''$  West, 427.27 feet; thence South  $89^{\circ}37'27''$  East, 1831.00 feet; thence North  $06^{\circ}03'30''$  East, 445.00 feet; thence North  $33^{\circ}57'01''$  West, 96.00 feet; thence North  $00^{\circ}01'19''$  East, 30.00 feet; thence North  $89^{\circ}37'27''$  West, 1823.00 feet; thence North  $00^{\circ}20'15''$  East, 36.00 feet; thence North  $51^{\circ}18'53''$  East, 203.61 feet; thence South  $89^{\circ}37'27''$  East, 72.00 feet; thence North  $00^{\circ}20'15''$  East, 19.00 feet; thence South  $89^{\circ}37'27''$  East, 810.82 feet; thence South  $00^{\circ}20'15''$  West, 29.00 feet; thence South  $89^{\circ}37'27''$  East, 253.00 feet, thence North  $00^{\circ}20'15''$  East, 77.00 feet; thence South  $89^{\circ}42'35''$  East, 580.00 feet; thence South  $28^{\circ}07'52''$  East, 96.28 feet to a point on the easterly line of said Parcel 1, said point being the beginning of a non-tangent curve concave northeasterly having a radius of 3039.98 feet, a radial line to said beginning of curve bears South  $78^{\circ}41'09''$  West; thence southeasterly along said curve 190.60 feet through a central angle of  $03^{\circ}35'32''$ ; thence along said easterly line of said Parcels 1 and 2 South  $14^{\circ}54'23''$  East, 809.56 feet to the Point of Beginning.


Containing 25.294 Acres, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99999179 TO OBTAIN A GROUND DISTANCE.

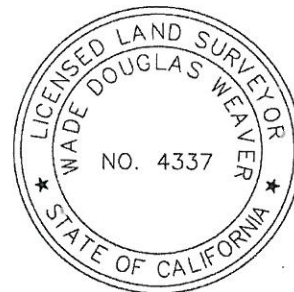
See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

  
By: Wade Douglas Weaver, L.S. 4337

Date: 2-20-2018



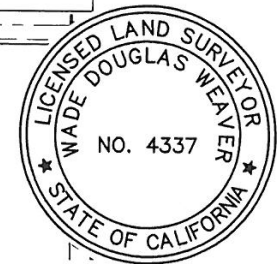


## ATTACHMENT F

***SKETCH TO ACCOMPANY LEGAL DESCRIPTION***

CURVE TABLE			
NO	BEARING	RADIUS	LENGTH
C1	03°35'32"	3039.98'	190.60'

LINE TABLE		
NO	BEARING	LENGTH
L1	N00°19'56"E	136.00'
L2	S89°40'04"E	33.00'
L3	S89°40'04"E	92.30'
L4	N33°57'01"W	96.00'
L5	N00°01'19"E	30.00'
L6	N00°20'15"E	36.00'
L7	N51°18'53"E	203.61'
L8	S89°37'27"E	72.00'
L9	N00°20'15"E	19.00'
L10	S00°20'15"W	29.00'
L11	S89°37'27"E	253.00'
L12	N00°20'15"E	77.00'
L13	S28°07'52"E	96.28'



OC PUBLIC WORKS  
OC SURVEY

## RIGHT-OF-WAY SERVICES

ROW ID NO. 2016-016

SCALE: 1" = 300'

EXHIBIT B

SHEET 1 OF 1

PROJECT: PRADO DAM BASIN - PARCEL 45-020

PREPARED BY:  
J. VILLALOBOS



## ATTACHMENT G

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

**March 14, 2023**

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Young’s Holdings, Inc (“Owner”) and located at 6711 Bickmore Avenue in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting concrete perimeter walls, fencing, entrance gates, guard kiosks, loading ramps, truck yards, walkways, asphalt paved parking areas, parking lot light standards, landscaping, and related utilities, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of

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the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 27, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the Orange County Flood Control District (“District”), to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a March 14, 2023, hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-

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thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023, Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds, determines, and directs::

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:
    - b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the effects of

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the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firm of Burke, Williams & Sorensen, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$1,268,000, Job No ESP2113; to be paid from Fund 404-080-404-LS22-4100-00000-ESP2113. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees

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following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$1,268,000.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the "Orange County Flood Control Act") and the Water Resources Development Act of 1986, as amended and set forth in 33 U.S.C. 2213 (WRDA) including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to ensure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the Prado Dam Project specifications and was responsible for the 1988 Santa Ana River Phase II General Design Memorandum ("GDM"), including the Hydrology Report within the GDM.

c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam ("Flood Control Basin"), and

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the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the flow during a SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, and additional water flowing down over the spillway from the Flood Control Basin at elevation 566 feet.

f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway and increasing the storage capacity of the Flood



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Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood (“RDF”). An RDF has a 190-year return frequency. The spillway feature of the Project is designed to withstand an RDF but working with the Project’s other features as designed in the GDM, provides overall protection from an SPF. The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [cfs] through a combination of spillway flow and regulated outlet discharge.” As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF.

g. Accordingly, the Prado Dam Project, as designed, will, during a SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During an SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.



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h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566 feet, the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project, as they are below the 566' elevation. It is necessary that the District acquire the Subject Property Interests to carry out the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.



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8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the acquisition of the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Burke, Williams & Sorensen, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, "District's Counsel"), are hereby directed and authorized to institute eminent domain

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proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District's Counsel deems it to be necessary and appropriate. District's Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation of the project for what the Subject Property Interests are being acquired.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

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# ATTACHMENT G

## Exhibit A

### LEGAL DESCRIPTION

Santa Ana River – Prado Dam  
Facility No.: E01PD  
Parcel No.: 46-010

Parcel A, in the City of Chino, County of San Bernardino, State of California, as described in Lot Line Adjustment 05-14 recorded March 7, 2006 as Document No. 2006-0153735 of Official Records, in the Office of the County Recorder of said County together with a portion of the southerly 33.00 feet of Bickmore Avenue as shown on said Lot Line Adjustment 05-14, which would pass by operation of law upon abandonment, described as a whole as follows:

Beginning at the northwesterly corner of said Parcel A; thence along the northerly prolongation of the westerly line of said Parcel A North  $00^{\circ}37'52''$  West, 33.00 feet to its intersection with the centerline of said Bickmore Avenue; thence along said centerline North  $89^{\circ}17'52''$  East, 624.06 feet; thence leaving said centerline South  $00^{\circ}42'08''$  East, 33.00 feet to the northerly boundary line of said Parcel A; thence along the northerly boundary line of said Parcel A and southerly line of Bickmore Avenue North  $89^{\circ}17'52''$  East, 663.08 feet to the easterly boundary line of said Parcel A; thence along said easterly line South  $00^{\circ}37'09''$  East, 626.98 feet; thence leaving said easterly line and continuing along the boundary line of said Parcel A, the following four courses:

- 1.) South  $89^{\circ}17'43''$  West, 754.66 feet;
- 2.) South  $00^{\circ}42'17''$  East, 660.02 feet;
- 3.) South  $89^{\circ}17'32''$  West, 533.24 feet;
- 4.) thence North  $00^{\circ}37'52''$  West, 1287.09 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion of said Parcel A described as follows:

Commencing at the northwesterly corner of said Parcel A; thence along the northerly boundary line of said Parcel A North  $89^{\circ}17'52''$  East, 96.30 feet; thence leaving said boundary line South  $00^{\circ}42'08''$  East, 38.66 feet to the TRUE POINT OF BEGINNING; thence North  $89^{\circ}17'52''$  East, 1089.00 feet; thence South  $00^{\circ}42'08''$  East, 442.00 feet; thence South  $89^{\circ}17'52''$  West, 102.00 feet; thence North  $00^{\circ}42'08''$  West, 40.00 feet; thence South  $89^{\circ}17'52''$  West, 885.00 feet; thence South  $00^{\circ}42'08''$  East, 40.00 feet; thence South  $89^{\circ}17'52''$  West, 102.00 feet; thence North  $00^{\circ}42'08''$  West, 442.00 feet to the True Point of Beginning.

ALSO EXCEPTING THEREFROM Parcel 96 as described in Final Judgment recorded November 8, 1941 in Book 1505, Page 267 of said Official Records described as follows:

Beginning at the southwesterly corner of said Parcel A, said corner also being the southwesterly corner of said Parcel 96; thence along the southerly boundary line of said Parcel A and Parcel 96 North  $89^{\circ}17'32''$  East, 403.32 feet; thence leaving said southerly line of said Parcel A and along the generally easterly and northerly boundary lines of said Parcel 96 the following eight courses:

- 1.) North  $23^{\circ}30'57''$  East, 150.44 feet;



## ATTACHMENT G

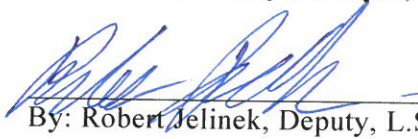
- 2.) North  $26^{\circ}13'37''$  East, 148.00 feet;
- 3.) North  $72^{\circ}46'33''$  West, 78.77 feet;
- 4.) North  $20^{\circ}09'23''$  West, 248.00 feet;
- 5.) North  $01^{\circ}55'17''$  East, 64.28 feet;
- 6.) North  $66^{\circ}20'03''$  West, 77.50 feet;
- 7.) South  $84^{\circ}38'37''$  West, 166.70 feet;
- 8.) South  $79^{\circ}57'52''$  West, 142.68 feet to the northwesterly corner of said Parcel 96 and the westerly boundary line of said Parcel A;

thence along said westerly boundary line South  $00^{\circ}37'52''$  East, 586.80 feet to the Point of Beginning.

Containing 10.74 Acres, more or less.

See EXHIBIT B attached and by reference made a part.

APPROVED  
Kevin Hills, County Surveyor, L.S. 6617

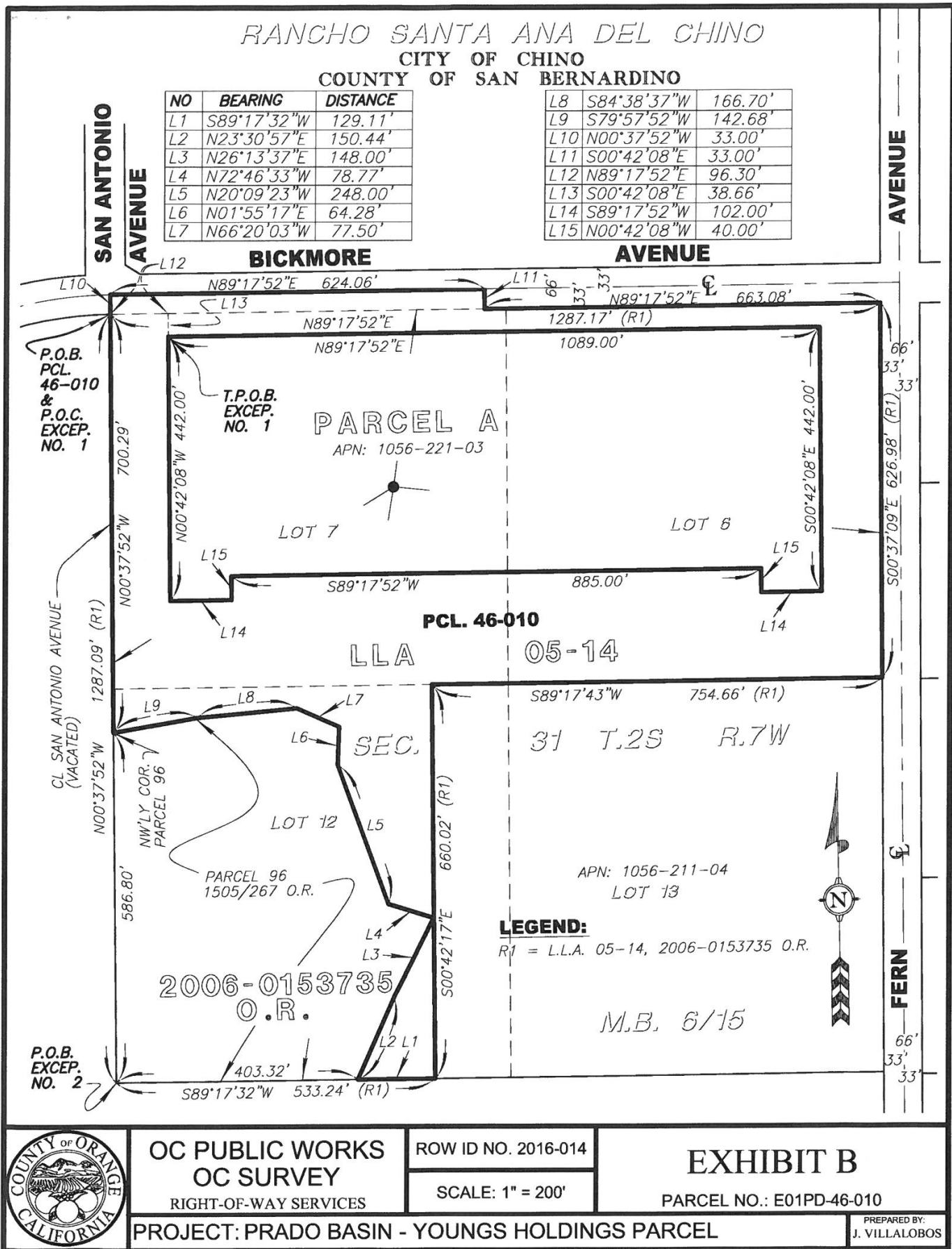
  
By: Robert Jelinek, Deputy, L.S. 6803

Date: 1-31-17





## ATTACHMENT G





## ATTACHMENT H

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

**March 14, 2023**

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Carson Chino South LLC, a California limited liability company (“Owner”) and located at 16142 Fern Avenue in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting Heavy concrete 7” ±: 180,000 sf, Stamped concrete: 3,000 sf, Concrete pads/walkways/patio: 1,550 sf, Concrete stairs: 640 sf, Concrete loading ramps: 2,400 sf, Concrete curbing: 4,100 lf, Concrete planter curbing: 675 lf, Asphalt paving/stripping: 47,000 sf, Guard kiosk: 1 ea, Chain link fencing 6’ high: 1,700 lf, Iron roll gates, electric: 80 lf, Metal with full turn style gate: 1 ea, Conc. Wing walls 12±’ high: 130 lf, Conc. trellis wall 10±’ high: 75 lf, Light standards: 5 ea, Steel bollards standard: 37 ea, Steel bollards large: 10 ea, Irrigated grass, shrubbery, trees: 42,000 sf, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill

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placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 24, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the Orange County Flood Control District (“District”), to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a March 14, 2023 hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

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**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023 Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds, determines, and directs:

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately

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satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:

b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firms of Burke, Williams & Sorensen and Murphy and Evertz, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount

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up to \$1,359,085.00, Job No. ESP 2117; to be paid from Fund 404-080-404-LS26-4100-ESP2117. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$1,359,085.00.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the "Orange County Flood Control Act") and the Water Resources Development Act of 1986, as amended and set forth in 33 U.S.C. 2213 (WRDA) including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to ensure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by

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Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the Prado Dam Project specifications and was responsible for the 1988 Santa Ana River Phase II General Design Memorandum (“GDM”), including the Hydrology Report within the GDM.

c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam (“Flood Control Basin”), and the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the flow during a SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.



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e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, and additional water flowing down over the spillway from the Flood Control Basin at elevation 566 feet.

f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway and increasing the storage capacity of the Flood Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood (“RDF”). An RDF has a 190-year return frequency. The spillway feature of the Project is designed to withstand an RDF but working with the Project’s other features as designed in the GDM, provides overall protection from an SPF. The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [ cfs] through a combination of spillway flow and regulated outlet discharge.” As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF.

g. Accordingly, the Prado Dam Project, as designed, will, during a SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During an



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SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.

h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566', the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project, as they are below the 566' elevation. It is necessary that the District acquire the Subject Property Interests to carry out

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the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the acquisition of the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

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**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Burke, Williams & Sorensen pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, “District’s Counsel”), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District’s Counsel deems it to be necessary and appropriate. District’s Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation of the project for what the Subject Property Interests are being acquired.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

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# ATTACHMENT H

## EXHIBIT A

### LEGAL DESCRIPTION

Santa Ana River – Prado Dam  
Facility No.: E01PD  
Parcel No.: 46-013

Parcel B, in the City of Chino, County of San Bernardino, State of California, as described in a Certificate Approving A Lot Line Adjustment recorded December 8, 2005 as Document No. 2005-0933181 of Official Records, in the Office of the County Recorder of said County together with a portion of the westerly 33.00 feet of Fern Avenue as shown on said certificate, which would pass by operation of law upon abandonment, described as a whole as follows:

BEGINNING at the northwesterly corner of said Parcel B; thence along the northerly line of said Parcel, North 89°17'43" East, 754.66 feet to the northeasterly corner of said Parcel; thence leaving said parcel North 89°22'51" East, 33.00 feet to a point in the centerline of said Fern Avenue; thence along said centerline South 00°37'09" East, 659.98 feet; thence leaving said centerline South 89°22'51" West, 33.00 feet to the southeasterly corner of said Parcel B ; thence along the southerly line of said Parcel, South 89°17'32" West, 753.67 feet to the southwesterly corner of said Parcel; thence along the westerly line of said Parcel, North 00°42'17" West, 660.02 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM that portion of said Parcel B described as follows:

COMMENCING at the northwesterly corner of said Parcel B; thence along the northerly line of said Parcel, North 89°17'43" East, 754.66 feet to the northeasterly corner of said Parcel; thence along the easterly line of said Parcel, South 00°37'09" East 140.19 feet; thence leaving said easterly line North 89°39'21" West, 99.00 feet to the TRUE POINT OF BEGINNING; thence South 00°20'39" West, 430.00 feet; thence North 89°39'21" West, 101.00 feet; thence North 00°20'39" East, 40.00 feet; thence North 89°39'21" West, 520.00 feet; thence North 00°20'39" East, 350.00 feet; thence South 89°39'21" East, 520.00 feet; thence North 00°20'39" East, 40.00 feet; thence South 89°39'21" East, 101.00 feet to the TRUE POINT OF BEGINNING.

Containing 6.752 Acres, more or less.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

Wade D. Weaver  
By: Wade Douglas Weaver, L.S. 4337

Date: 8/16/17





# ATTACHMENT H

PLAT TO ACCOMPANY LEGAL DESCRIPTION  
RANCHO SANTA ANA DEL CHINO  
CITY OF CHINO  
COUNTY OF SAN BERNARDINO

SAN ANTONIO AVENUE

BICKMORE AVENUE

SAN ANTONIO AVENUE (VACATED)

AVENUE

33'33"  
66"

33'33"  
66"

659.98'

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

500'37'09"E

## LINE TABLE

LINE No.	LENGTH	BEARING
L1	33.00'	N89°22'51"E
L2	33.00'	S89°22'51"W
L3	140.19'	S00°37'09"E
L4	99.00'	N89°39'21"W
L5	101.00'	N89°39'21"W
L6	40.00'	N00°20'39"E
L7	40.00'	N00°20'39"E
L8	101.00'	S89°39'21"E

PARCEL A

APN: 1056-221-03

LOT 7

2006-0153735 O.R.

SEC. 31 T.2S R.7W

LLA

PARCEL A

LOT 12

2005-0933181  
O.R.

P.O.B.

P.O.C.  
EXCEPTION

N89°17'43"E 754.66' (R1)

T.P.O.B.  
EXCEPTION

05-13

S89°39'21"E 520.00'

PARCEL B

LOT 13

APN 1056-211-04

N89°39'21"W 520.00'

46-013

S89°17'32"W 753.67' (R1)

6/15

## LEGEND:

R1 = 2005-0933181 O.R.



OC PUBLIC WORKS  
OC SURVEY

RIGHT-OF-WAY SERVICES

ROW ID NO. 2016-018

SCALE: 1" = 200'

EXHIBIT B

PARCEL NO.: E01PD-46-013

PROJECT: PRADO BASIN - CARSON CHINO SOUTH, LLC.

PREPARED BY:

MAL



# ATTACHMENT I

**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

**March 14, 2023**

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Carson Chino South LLC, a California Limited Liability Company (“Owner”) and located at 16043 & 16501 El Prado Rd. in the City of Chino, County of San Bernardino, California, and whereas the property interests to be acquired (“Subject Property Interests”) consist of:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting: Concrete paving/curbing: 270,500± sf, Asphalt paving/parking: 41,000± sf, Irrigated landscaping: 85,000± sf, perimeter fencing/gating, concrete bollards, marked truck trailer parking, loading ramp, walkways and handicap ramps, signs, and related utilities and fire hydrants, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner

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all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 24, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized San Bernardino County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the Orange County Flood Control District (“District”), to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at a March 14, 2023, hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

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**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023, Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds, determines, and directs::

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Statement was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:

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b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583, and Addendum No. 1 (IP 21-0211) adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. The Board directs and authorizes County Counsel and/or outside eminent domain counsel, the firm of Burke, Williams & Sorensen, pursuant to their existing contracts with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. The Board directs and authorizes the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$1,165,000, Job No. ESP2116; to be paid from Fund 404-080-404-LS25-4100-ESP2116. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the Owner; and to encumber such additional funds, and issue such additional funds as may be requested by

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County Counsel, and as necessary to satisfy any court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$1,165,000.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App. Sections 36-1 et seq. (the "Orange County Flood Control Act") and the Water Resources Development Act of 1986, as amended and set forth in 33 U.S.C. 2213 (WRDA) including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to ensure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the Prado Dam Project specifications and was responsible for the 1988 Santa Ana River Phase II General Design Memorandum ("GDM"), including the Hydrology Report within the GDM.

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c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam (“Flood Control Basin”), and the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity. The Project is designed for its features to work together to limit the flow during a SPF to a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, and additional water flowing down over the spillway from the Flood Control Basin at elevation 566 feet.



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f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway and increasing the storage capacity of the Flood Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood (“RDF”). An RDF has a 190-year return frequency. The spillway feature of the Project is designed to withstand an RDF but working with the Project’s other features as designed in the GDM, provides overall protection from an SPF. The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [cfs] through a combination of spillway flow and regulated outlet discharge.” As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF.

g. Accordingly, the Prado Dam Project, as designed, will, during a SPF, reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During an SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.



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h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566' feet the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in San Bernardino County and the District is exercising its power of eminent domain extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project, as they are below the 566' elevation. It is necessary that the District acquire the Subject Property Interests to carry out the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

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8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the acquisition of the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Burke, Williams & Sorensen, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, "District's Counsel"), are hereby directed and authorized to institute eminent domain

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proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District's Counsel deems it to be necessary and appropriate. District's Counsel is further authorized to reduce or modify the extent of the interests or property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation of the project for what the Subject Property Interests are being acquired.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

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# ATTACHMENT I

## EXHIBIT "A"

### LEGAL DESCRIPTION

Santa Ana River – Prado Dam  
Facility No.: E01PD  
Parcel No.: 45-012

That certain portion of land in the City of Chino, County of San Bernardino, State of California, over Parcels A and B described in a Certificate Approving A Lot Line Adjustment, LLA 2007-06, recorded December 7, 2007 as Document No. 2007-0684653, of Official Records in the Office of the County Recorder of said County, described as follows:

BEGINNING at the southeasterly corner of said Parcel B;

Thence along the southerly line of said Parcel B, South  $89^{\circ}16'38''$  West, 340.98 feet to an intersection with the northeasterly right of way line of El Prado Road (60.00 feet wide) per Map "D" Being A Map Of An Extension of the Subdivision of Rancho Santa Ana Del Chino per map recorded in Book 12, Page 47 & 48 of Maps, in said Office of the County Recorder;

Thence along said northeasterly line, North  $36^{\circ}27'29''$  West, 1621.59 feet;

Thence leaving said line, North  $53^{\circ}32'31''$  East, 14.00 feet to an intersection with the northeasterly line of land described in Deed of Right-of-Way recorded August 9, 2011 as Document No. 2011-0335139 of Official Records in said Office of the County Recorder;

Thence leaving last said northeasterly line, South  $37^{\circ}49'34''$  East, 925.31 feet;

Thence North  $89^{\circ}01'53''$  East, 110.00 feet;

Thence South  $16^{\circ}12'17''$  East, 96.00 feet;

Thence South  $04^{\circ}21'24''$  West, 31.16 feet;

Thence South  $50^{\circ}53'25''$  West, 36.17 feet;

Thence South  $39^{\circ}06'35''$  East, 109.00 feet;

Thence North  $52^{\circ}19'34''$  East, 14.00 feet;

Thence South  $50^{\circ}34'01''$  East, 157.00 feet;

Thence South  $89^{\circ}45'23''$  East, 63.00 feet;

Thence North  $00^{\circ}14'37''$  East, 9.70 feet;

Thence South  $89^{\circ}45'23''$  East, 177.72 feet;

Thence North  $00^{\circ}14'37''$  East, 188.29 feet;

Thence North  $89^{\circ}45'08''$  West, 120.30 feet;



## ATTACHMENT I

Thence North 62°42'22" West, 247.00 feet;

Thence North 50°47'43" East, 103.00 feet;

Thence North 89°18'32" East, 326.95 feet;

Thence North 00°40'15" West, 33.00 feet;

Thence North 18°50'29" East, 195.63 feet;

Thence North 00°58'07" West, 55.00 feet;

Thence North 47°47'03" West; 66.00 feet;

Thence North 00°41'33" West, 182.48 feet;

Thence South 89°19'40" West, 329.00 feet;

Thence North 55°14'49" West, 102.00 feet;

Thence North 79°35'45" East, 62.00 feet;

Thence South 89°00'29" East, 411.00 feet;

Thence South 00°58'07" East, 73.00 feet;

Thence South 06°28'13" West, 69.00 feet;

Thence South 00°58'07" East, 199.00 feet;

Thence South 09°33'38" West, 126.00 feet;

Thence North 81°34'40" East, 56.00 feet to the easterly line of said Parcel A;

Thence along the easterly lines of said Parcel A and B, South 00°40'23" East, 739.00 feet to the POINT OF BEGINNING.

Containing 7.545 Acres, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99999179 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

*Wade*

By: Wade Douglas Weaver, L.S. 4337

Date: 3/8/19





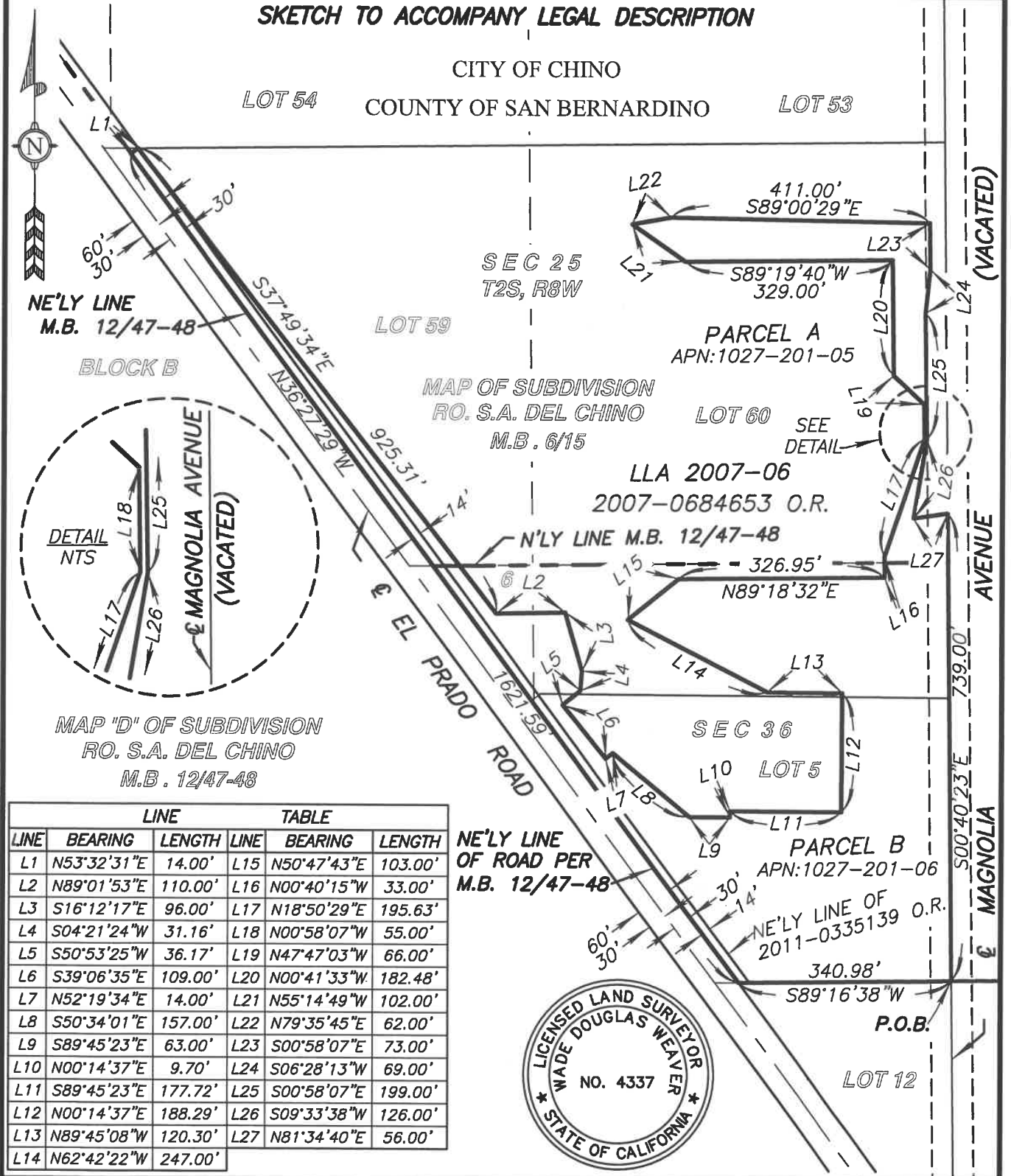
**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**

CITY OF CHINO

LOT 54

COUNTY OF SAN BERNARDINO

LOT 53



LINE			TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N53°32'31"E	14.00'	L15	N50°47'43"E	103.00'
L2	N89°01'53"E	110.00'	L16	N00°40'15"W	33.00'
L3	S16°12'17"E	96.00'	L17	N18°50'29"E	195.63'
L4	S04°21'24"W	31.16'	L18	N00°58'07"W	55.00'
L5	S50°53'25"W	36.17'	L19	N47°47'03"W	66.00'
L6	S39°06'35"E	109.00'	L20	N00°41'33"W	182.48'
L7	N52°19'34"E	14.00'	L21	N55°14'49"W	102.00'
L8	S50°34'01"E	157.00'	L22	N79°35'45"E	62.00'
L9	S89°45'23"E	63.00'	L23	S00°58'07"E	73.00'
L10	N00°14'37"E	9.70'	L24	S06°28'13"W	69.00'
L11	S89°45'23"E	177.72'	L25	S00°58'07"E	199.00'
L12	N00°14'37"E	188.29'	L26	S09°33'38"W	126.00'
L13	N89°45'08"W	120.30'	L27	N81°34'40"E	56.00'
L14	N62°42'22"W	247.00'			

OC PUBLIC WORKS  
OC SURVEY

## RIGHT-OF-WAY SERVICES

ROW ID NO. 2016-017

SCALE: 1" = 200'

EXHIBIT B

SHEET 1 OF 1

PROJECT: PRADO BASIN FLOWAGE EASEMENT - PARCEL 45-012

PREPARED BY:  
MAL P.



**RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY,  
CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY  
FLOOD CONTROL DISTRICT, DETERMINING THE NECESSITY OF ACQUISITION  
BY EMINENT DOMAIN OF REAL PROPERTY**

March 14, 2023

**WHEREAS**, this Resolution of Necessity (“Resolution”) seeks to acquire property interests in the real property currently owned by Jurupa Community Services District (“Owner”) and located at the northern edge of the Santa Ana River, on the east side of Harrison Avenue, south of Cobble Creek Drive in the City of Eastvale, County of Riverside, California, and whereas the property interests to be acquired (“Subject Property Interests”) that is more particularly described as:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood, and/or submerge certain real property including the right to cause without limitation, erosion and/or deposition and associated damages to said real property and any and all structures and improvements situated thereon, located in the County of Riverside, State of California, as described in Exhibits “A”, and depicted on Exhibits “B”, attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting the following:  
**EASTERLY PARK COMPONENT ITEMS:** Pavilion 1,385 SF, Four (4) Picnic Tables (in pavilion), Three (3) Frisbee/Disc Golf, Three (3) Bridges, Playground-Rubberized Surface, Playground-Equipment/Benches (on playground), Light Standards (14), Additional Benches (4), Additional Picnic Tables (3), Barbecue (1), Water Fountain (1), Fencing (512 LF), Landscaping (57,821 SF), Asphalt Paving (10,236 SF), Concrete Paving (5,711 SF),  
**WESTERLY COMPONENT ITEMS:** Soft Turf Run/Walk Path (3,801 SF), Asphalt Paving (3,840 SF), Fitness Stations (4), Light Standards (2), Landscaping (47,349 SF), provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District. No excavation, drilling or mining shall

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be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

**WHEREAS**, on or before February 27, 2023, pursuant to the requirements of California Code of Civil Procedure section 1245.235, the Clerk of the Board (“Clerk”) mailed notice to the Owner, *inter alia*, at the address shown by the last equalized Riverside County assessment roll, of the intention of the Orange County Board of Supervisors (“Board”), acting in its capacity as the governing board of the District, to adopt this Resolution to acquire the Subject Property Interests for purposes of the District’s Santa Ana River Mainstem/Prado Dam Project (“Project”), through eminent domain proceedings, and of the date set for a hearing thereon of March 14, 2023;

**WHEREAS**, said notice by the Clerk notified the Owner of its right to appear and to be heard at an March 14, 2023, hearing before the Board on the following matters: (a) whether the public interest and necessity require the Project; (b) whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; (c) whether the Subject Property Interests sought to be acquired are necessary for the Project; and (d) whether the offer required by section 7267.2 of the Government Code has been made to the owner(s) of record;

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**WHEREAS**, on March 14, 2023, the Board conducted a public hearing and heard and considered public comments, if any, and evidence presented, regarding the Project and regarding the proposed eminent domain acquisition of the Subject Property Interests; and,

**WHEREAS**, at the close of the public hearing and after the opportunity for open and public discussion among the Board, the Board voted, by more than the statutorily required two-thirds' majority of the Board membership, to adopt this Resolution to acquire the Subject Property Interests necessary for the Project through eminent domain proceedings.

**NOW, THEREFORE**, after consideration of the information contained above as well as in the March 14, 2023, Agenda Staff Report,

**IT IS HEREBY RESOLVED** that this Board finds and determines as follows:

1. Under the California Environmental Quality Act ("CEQA"):
  - a. A Final Environmental Impact Report was previously certified by the Board of Supervisors on November 28, 1989, and reflects the independent judgment of the Orange County Flood Control District (District) as Lead Agency (1989 EIS). Final Supplemental Environmental Impact Statement/Environmental Impact Report No. 583 (SEIS/EIR No. 583) was previously certified by the Orange County Planning Commission on December 19, 2001, and reflects the independent judgment of the District as Lead Agency. Finally, Addendum No. 1 (IP 21-0211) along with the 1989 EIS and SEIS/EIR No. 583 adequately address and fully analyze project environmental impacts for the Santa Ana River Mainstem Project, as well as the Prado Dam Project, which is a necessary and contemplated element of the Santa Ana River Mainstem Project. The 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) are complete and adequately satisfy the requirements of CEQA for the Santa Ana River Mainstem Project, which includes the Prado Dam Spillway Modification Project based on the following additional findings:
  - b. The circumstances of the Project are substantially the same and the 1989 EIS, SEIS/EIR No. 583 and Addendum No. 1 (IP 21-0211) adequately address the effects of the proposed Project. No substantial changes have been made in the Project, no substantial changes have occurred in the circumstances under which the Project is being undertaken and no new information of substantial importance to the Project that was not known or could not have been known when the 1989 and SEIS/EIR No. 583 were

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certified has become known in relation to these proposed condemnation actions; therefore, no further environmental review is required.

c. All mitigation measures are fully enforceable pursuant to CEQA, Public Resources Code Section 21081.6(b), and have either been adopted as conditions, incorporated as part of the Project design or included in the procedures of Project implementation.

2. Direct and authorize County Counsel and/or outside eminent domain counsel, the firm of Murphy and Evertz, pursuant to their existing contract with the District, to initiate condemnation proceedings to condemn the Subject Property Interests.

3. Direct and authorize the Auditor-Controller, upon request by County Counsel, to encumber funds and transfer estimated compensation to the State Treasurer's Condemnation Deposits Fund, in amounts to be specified by County Counsel, in a total amount up to \$186,000, Job No. ESP2138; to be paid from Fund 404-080-404-LS47-4100-ESP2138. The total amount is the total estimated fair market value of the Subject Property Interests as of the date of value of the appraisal, which was the basis of the purchase offer made to the owner; and to encumber such additional funds, and issue such additional funds as may be requested by County Counsel, and as necessary to satisfy any updated appraisals or court orders for higher deposits or payment of greater compensation, and as necessary to pay for title insurance and other fees following transfer of ownership of the Subject Property Interests to the District. Using those encumbered funds and the funds issued by the Auditor-Controller, District's Counsel are hereby directed and authorized to make deposits of estimated compensation with the State Treasury's Condemnation Deposits Fund in an amount up to \$186,000.

4. The public interest and necessity require the Project for the purposes specified by California uncoded Water Code, Act 5682, section 2, also referred to as Water Code App.

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Sections 36-1 et seq. (the “Orange County Flood Control Act”), including but not limited to the control of flood and storm waters in order to protect the safety, health and welfare of residents and properties within the County of Orange from the potentially devastating effects of a 190-year and 200-year flood/storm event.

a. The District needs to acquire up to 566 feet elevation to assure flood protection, both as directed by the United States Army Corps of Engineers-the federal agency tasked with constructing the Prado Dam Project as authorized by Section 401(a) of the Water Resources Development Act of 1986, Public Law 99-662 as modified by Section 309 of the Water Resources Development Act of 1996---and as based on the project specifications for the Prado Dam Project.

b. The Army Corps of Engineers provided the specifications and were responsible for the 1988 Santa Ana River Phase II General Design Memorandum ("GDM"), which includes within it a Hydrology Report.

c. The GDM is the basis for the design of the Prado Dam and its other features, including the Prado basin, located behind the dam (“Flood Control Basin”), and the spillway. The Prado Dam Project was designed per the GDM specifications to withstand a Standard Project Flood with a 200-year return frequency (“SPF”). The Project raises Prado Dam from 28.4 feet (from elevation 566 to 594.4 feet), modifies and raises the spillway crest 20 feet (from elevation 543 to 563 feet) and raises the reservoir real estate limit [i.e. Flood Control Basin] 10 feet (from elevation 556 to 566 feet). The reservoir is expanded by approximately 1,661 acres from its existing storage capacity.

The Project is designed for its features to work together to limit the flow during a SPF to

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a maximum of 30,000 cubic feet per second (“cfs”) – the maximum capacity of the Santa Ana River Channel downstream of Prado Dam.

d. In order for the Prado Dam Project to function according to its design specifications in the GDM, the Flood Control Basin will reach elevation 566 feet during an SPF. Accordingly, the GDM specifies that the Flood Control Basin be expanded from its current maximum elevation of 556 feet to 566 feet. Therefore, acquisition of land up to elevation 566 feet is required for Prado Dam to operate as designed.

e. The GDM provides that, during an SPF event, the water surface of the Flood Control Basin will go as high as 566 feet (higher than the spillway crest elevation at 563 feet), but the Project will limit the outflow of the dam to less than 30,000 cfs. This is achieved through a controlled outlet discharge, which is a combination of flows from the outlet structure within the dam being partially opened, as well as additional water flowing down over the spillway at elevation 566 feet.

f. The proposed Prado Dam modifications described in the GDM, including raising the total height of the spillway as well as increasing the storage capacity of the Flood Control Basin (by raising the water surface), provide the ability to handle both a SPF and a Reservoir Design Flood ("RDF"). The GDM states that the dam modifications “will provide sufficient capacity to ... contain a Reservoir Design Flood (RDF) with a peak inflow of 254,000 [cfs] and a 4-day volume of 415,800 acre-feet, [and] reduce the standard project flood (SPF) from a peak inflow of 275,500 ft<sup>3</sup>/s to a maximum outflow of 30,000 [cfs] through a combination of spillway flow and regulated outlet discharge.”

As both SPF and RDF would equally result in a maximum peak discharge of 30,000 cfs



## ATTACHMENT J

downstream of the Prado Dam, the communities of Orange County, which is located downstream of Prado Dam, would be protected from both SPF and RDF which have a return frequency of 200-year and 190-year, respectively, as estimated per the 1988 GDM.

- g. Accordingly, the Prado Dam Project, as designed, will during a SPF reduce the peak inflow of 275,000 cfs to a maximum outflow of 30,000 cfs. During a SPF, the water surface will rise to elevation 566 feet to allow for the spillway to function at its estimated maximum outflow at that water surface elevation. This can be accomplished only by acquiring the properties within the basin perimeter that will be flooded when water is allowed to rise to elevation 566 feet, i.e., the Flood Control Basin. The acquisition of these said properties would meet the storage requirements of both SPF and RDF for flood control purposes.
- h. Unless property is acquired in easement or fee for the Flood Control Basin up to elevation 566', the Prado Dam will not operate as it is designed to operate as specified in the GDM and its accompanying Hydrology Report.

5. The District is authorized to acquire the Subject Property Interests and to exercise the power of eminent domain for the public uses set forth herein under the California Constitution, the California eminent domain law (Code of Civil Procedure Sections 1230.010 et seq., and 1240.010 et seq., including without limitation Section 1240.110), Government Code Section 25350.5, and the Orange County Flood Control Act. The Subject Property Interests are located in Riverside County and the District is exercising its power of eminent domain

Resolution No.\_\_\_\_\_, Item No.\_\_\_\_\_  
Santa Ana River Mainstem/Prado Dam Project  
Acquisition by Eminent Domain of Real Property for Flood Control Purposes



## ATTACHMENT J

extraterritorially pursuant to, *inter alia*, Sections 2 and 16 of the Orange County Flood Control Act.

6. The Project, which will raise the Prado Dam flood basin and expand the potential inundation area up to 566 feet above sea level, is planned and located in the manner that will be the most compatible with the greatest public good and least private injury.

7. The Subject Property Interests are necessary for the Project. It is necessary that the District acquire the Subject Property Interests to carry out the Project's essential flood control purposes. If the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury, and/or loss of life suffered by those downstream in Orange County.

8. The Subject Property Interests will be used for the Project, which constitutes a valid public use. Therefore, the Subject Property Interests will in fact be a public use.

9. In conformance with Sections 7267.1 and 7267.2 of the California Government Code and Board of Supervisors Resolution 67-612, an appraisal was prepared covering the Subject Property Interests. An offer based on said appraisal was made to the Owner of the Subject Property Interests, and a written statement showing the appraised value of the Subject Property Interests and summarizing the basis of that valuation was also delivered to the Owner.

10. The necessary notice of hearing on this Resolution has been given, as required by Code of Civil Procedure section 1245.235.

11. To the extent the Subject Property Interests are already devoted to a public use, the use of the Subject Property Interests for the District's Project is a compatible use that will not

Resolution No.\_\_\_\_\_, Item No.\_\_\_\_\_  
Santa Ana River Mainstem/Prado Dam Project  
Acquisition by Eminent Domain of Real Property for Flood Control Purposes



## ATTACHMENT J

unreasonably interfere with or impair the continuance of the public use as it presently exists or may reasonably be expected to exist in the future (California Code of Civil Procedure Section 1240.510), or the use of the Subject Property Interests for the Project is a more necessary public use than is the presently existing public use (California Code of Civil Procedure Section 1240.610).

**IT IS FURTHER RESOLVED** that the Subject Property Interests be acquired by the District, and that the County Counsel of the County of Orange and/or outside counsel, Murphy and Evertz, pursuant to its existing contract with the District as previously authorized by this Board for purposes of representing the District in condemnation matters (collectively, “District’s Counsel”), are hereby directed and authorized to institute eminent domain proceedings for the foregoing acquisition, to do, perform, and carry out all necessary proceedings and steps incident to acquiring the Subject Property Interests, to correct any errors or to make or agree to non-material changes in the legal description of the Subject Property Interests as may be necessary for the conduct of the action or other proceedings or transactions required to acquire the Subject Property Interests, and to seek and obtain an order for prejudgment possession of some or all of the Subject Property Interests at such time as District’s Counsel deems it to be necessary and appropriate.

**IT IS FURTHER RESOLVED** that this Resolution shall be effective immediately upon its adoption, and that the Clerk of the Board shall certify the adoption of this Resolution and certify this record to be a full true, correct copy of the action taken.

Resolution No.\_\_\_\_\_, Item No.\_\_\_\_\_  
Santa Ana River Mainstem/Prado Dam Project  
Acquisition by Eminent Domain of Real Property for Flood Control Purposes



## ATTACHMENT J

### EXHIBIT A

#### LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin  
Facility No: E01PD  
Parcel No.: 42-004

That portion of Lot 108 of Amended Tract No. 28742, in the City of Eastvale, County of Riverside, State of California, as per map filed in Book 415, Pages 1 through 8 of Maps, in the office of the County Recorder of said County described as follows:

**COMMENCING** at the southeasterly corner of said Lot 108; thence along the easterly line of said Lot 108, North 00° 42' 18" East 280.00 feet to the **TRUE POINT OF BEGINNING**. Thence easterly along a line lying 280.00 feet northerly of and parallel with the southerly line of said Lot 108, North 89°21'29" West 1230.10 feet; said line also being the northerly line of the easement acquired by the United States of America for flowage, flood and inundation rights described in Book 523, Page 359 of Official Records in the office of the County Recorder of said County and as shown on said Amended Tract No. 28742 MB. 415/-1-8.

thence leaving said parallel line and said easement line, North 56°50'16" East 56.10 feet;

thence South 83°58'52" East 168.67 feet;

thence North 84°03'57" East 58.75 feet;

thence North 17°11'57" East 36.88 feet;

thence North 49°40'24" East 56.02 feet;

thence South 79°55'39" East 105.86 feet;

thence South 89°24'52" East 20.41 feet;

thence South 06°43'24" East 1.90 feet;

thence South 89°32'52" East 5.77 feet;

thence North 69°41'37" East 99.64 feet;

thence South 84°58'39" East 68.58 feet;

thence South 71°28'47" East 63.03 feet;

thence North 88°53'25" East 45.11 feet;

thence South 81°21'41" East 50.33 feet;

thence North 78°32'14" East 43.79 feet;

thence South 34°43'44" East 80.71 feet;

thence South 86°31'29" East 61.37 feet;

thence North 19°11'11" East 25.41 feet;



## ATTACHMENT J

thence North 76°20'30" East 16.75 feet;  
thence North 25°10'21" East 13.95 feet;  
thence North 19°03'58" West 27.10 feet;  
thence North 68°50'59" West 84.14 feet;  
thence North 51°58'50" West 23.73 feet;  
thence North 20°06'35" West 167.80 feet;  
thence North 61°18'34" West 27.63 feet;  
thence North 35°45'29" West 26.91 feet;  
thence North 00°42'53" West 30.63 feet;  
thence South 48°31'41" East 40.62 feet;  
thence North 87°50'31" East 22.85 feet;  
thence North 34°02'18" East 34.80 feet;  
thence North 32°47'16" West 19.66 feet;  
thence North 51°42'07" East 11.16 feet to the northerly line of said Lot 108;  
thence along said northerly line, South 89°22'34" East 101.81 feet;  
thence leaving said northerly line, South 28°05'13" East 12.72 feet;  
thence South 01°26'53" West 24.76 feet;  
thence South 81°54'35" East 265.72 feet;  
thence South 40°24'08" East 64.35 feet to the easterly line of said Lot 108;  
thence along said easterly line, South 00°42'18" West 261.44 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 186195 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.9999833 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

\_\_\_\_\_  
Date: 10/07/20

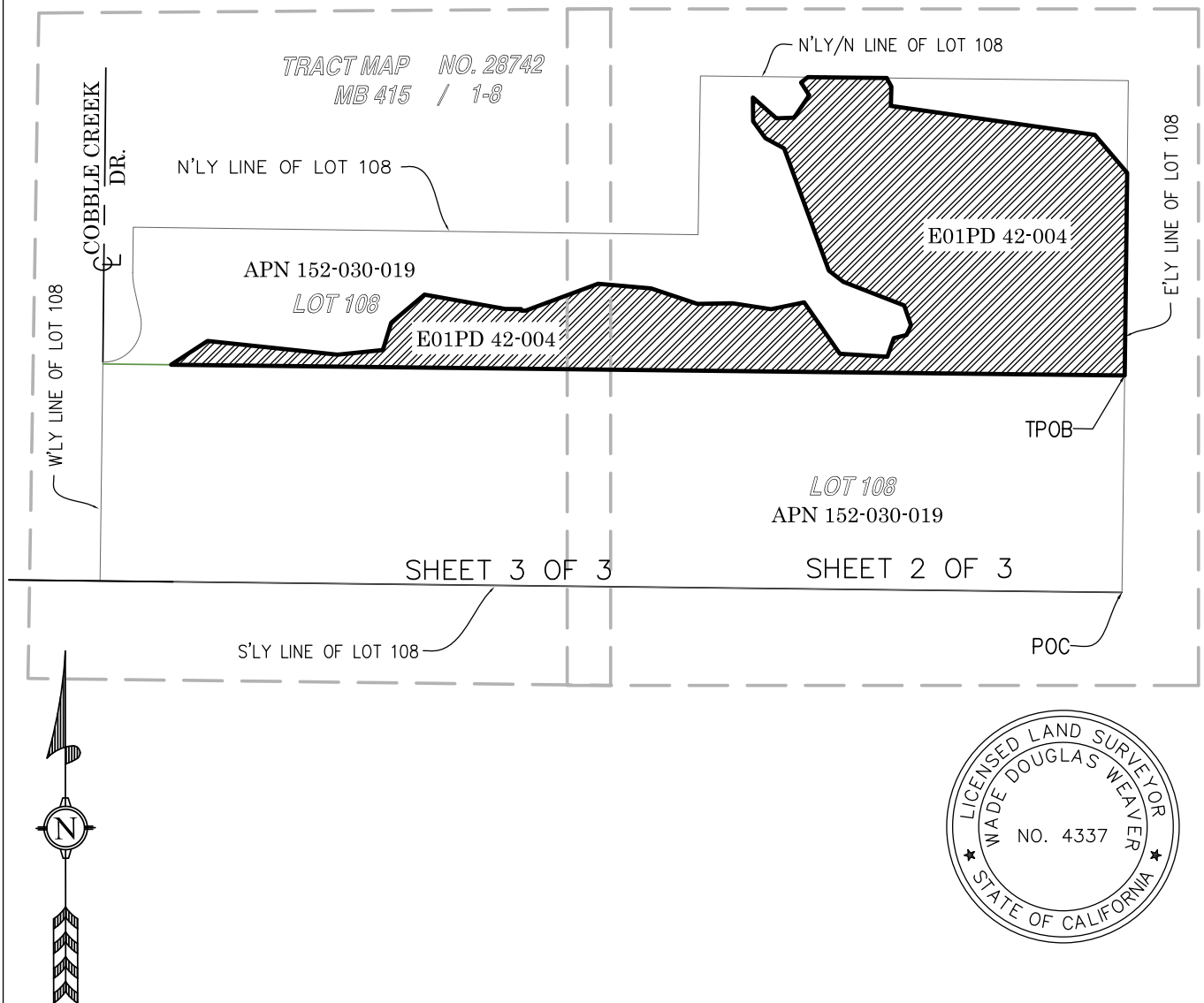
By: Wade Douglas Weaver, L.S. 4337





# ATTACHMENT J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



	<b>OC PUBLIC WORKS OC SURVEY</b> RIGHT-OF-WAY SERVICES	ROW ID NO. 2016-080	<b>EXHIBIT B</b> SHEET 1 OF 3
	<b>PROJECT: PRADO BASIN PARCEL 42-004</b>	SCALE: 1"=200'	

PREPARED BY:  
M. Kubisty

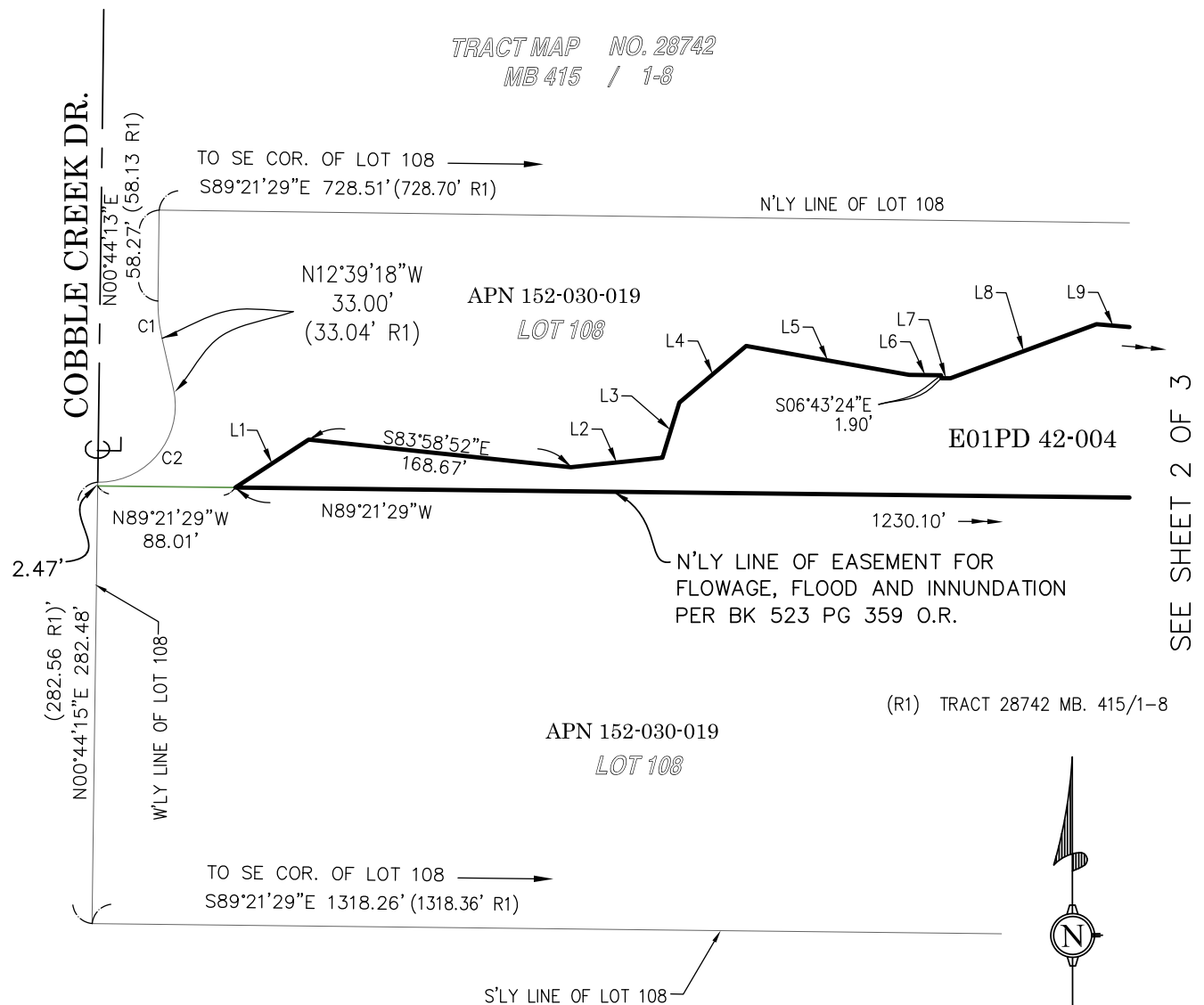






# ATTACHMENT J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



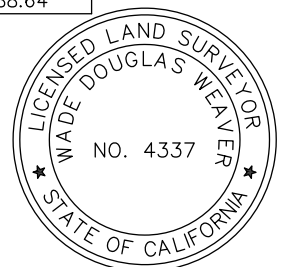
LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N56°50'16"E	56.10'
L2	N84°03'57"E	58.75'
L3	N17°11'57"E	36.88'
L4	N49°40'24"E	56.02'
L5	S79°55'39"E	105.86'
L6	S89°24'52"E	20.41'
L7	N89°32'52"E	5.77'
L8	N69°41'37"E	99.64'
*L9	S84°58'39"E	68.58'

\* CONTINUE ON SHEET 2 OF 3

CURVE TABLE				
CURVE #	RADIUS	DELTA	LENGTH	LENGTH (R1)
C1	100.00'	13°40'19"	23.81'	23.81'
C2	49.00'	103°34'05"	88.57'	88.64'

(R1) TRACT 28742 MB. 415/1-8

\* CONTINUE ON SHEET 2 OF 3



SEE SHEET 2 OF 3



OC PUBLIC WORKS  
OC SURVEY  
RIGHT-OF-WAY SERVICES

ROW ID NO. 2016-080

SCALE: 1"=100'

EXHIBIT B  
SHEET 3 OF 3

PROJECT: PRADO BASIN PARCEL 42-004

PREPARED BY:  
M.Kubisty



# ATTACHMENT J

## EXHIBIT A

### LEGAL DESCRIPTION

Santa Ana River – Prado Dam Basin  
Facility No: E01PD  
Parcel No.: 42-030

That portion of Lot 93 of Tract No. 30762, in the City of Eastvale, County of Riverside, State of California, as per map filed in Book 389, Pages 71 through 78 of Maps, in the office of the County Recorder of said County described as follows:

**BEGINNING** at the southeasterly corner of said Lot 93;

Thence along the southerly line of said Lot 93, North 89°21'29" West 300.22 feet;

Thence leaving said southerly line, North 25°41'37" East 38.44 feet;

Thence North 35°59'15" West 67.02 feet;

Thence North 05°56'54" West 47.53 feet;

Thence North 48°03'55" East 111.22 feet;

Thence North 85°07'54" East 32.02 feet;

Thence North 78°18'43" East 64.51 feet;

Thence South 82°45'30" East 88.65 feet;

Thence South 33°37'29" East 30.96 feet;

Thence North 82°15'21" East 47.94 feet to the easterly line of said Lot 93;

Thence along said easterly line, South 00°44'13" West 199.14 feet to the **TRUE POINT OF BEGINNING**.

Containing an area of 64,557 Square Feet, more or less.

ALL DISTANCES SHOWN ARE GRID, UNLESS OTHERWISE NOTED. DIVIDE A GRID DISTANCE BY 0.99998330 TO OBTAIN A GROUND DISTANCE.

See EXHIBIT B attached and by reference made a part hereof.

APPROVED

Kevin Hills, County Surveyor, L.S. 6617

\_\_\_\_\_  
Date: 10/07/2020

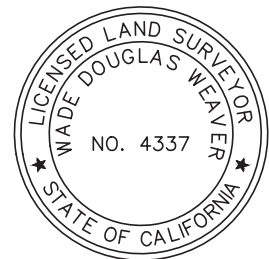
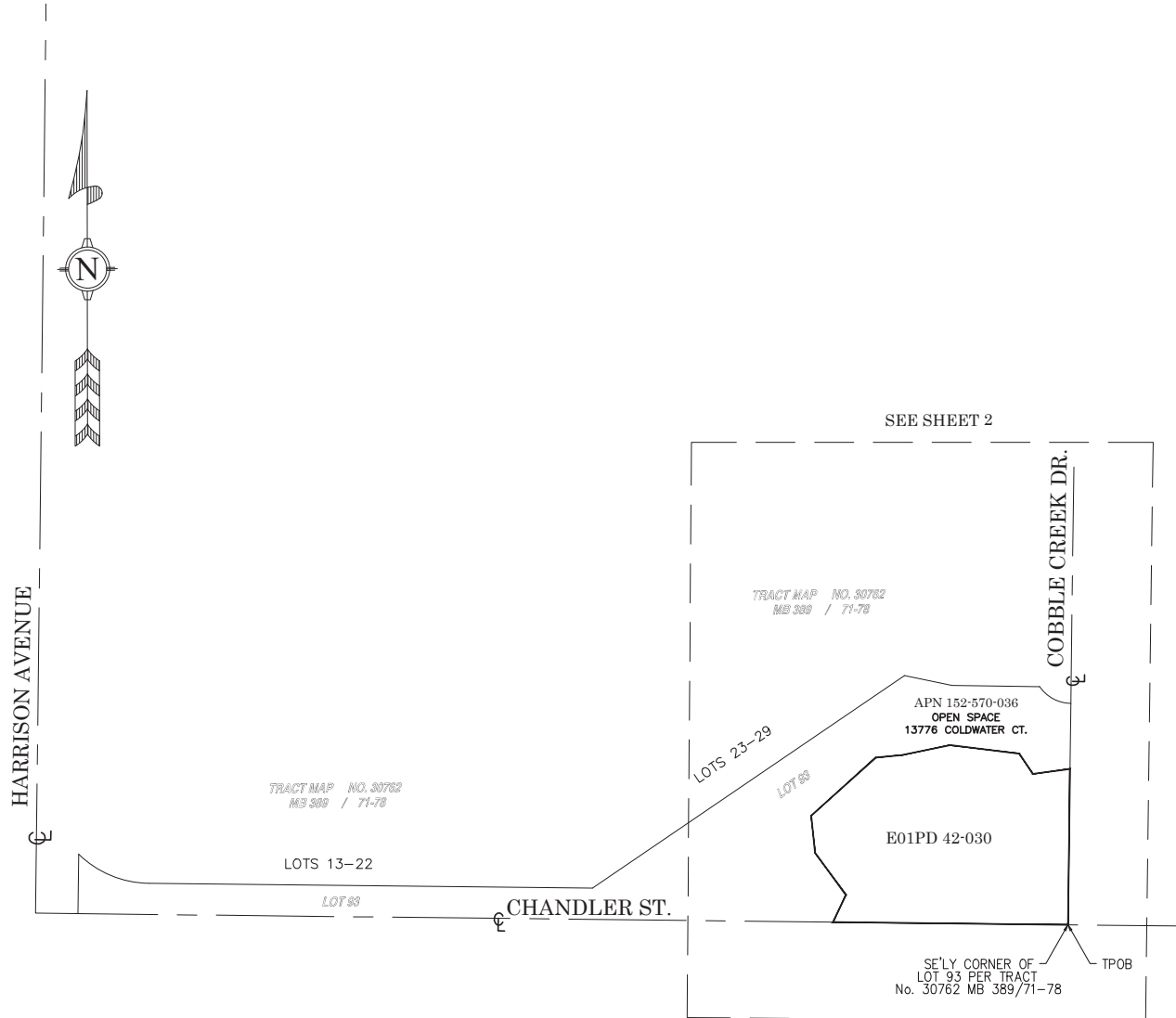
By: Wade Douglas Weaver, L.S. 4337





# ATTACHMENT J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



**OC PUBLIC WORKS  
OC SURVEY**  
RIGHT-OF-WAY SERVICES

ROW ID NO. 2016-080

SCALE: N.T.S

**EXHIBIT B**  
SHEET 1 OF 2

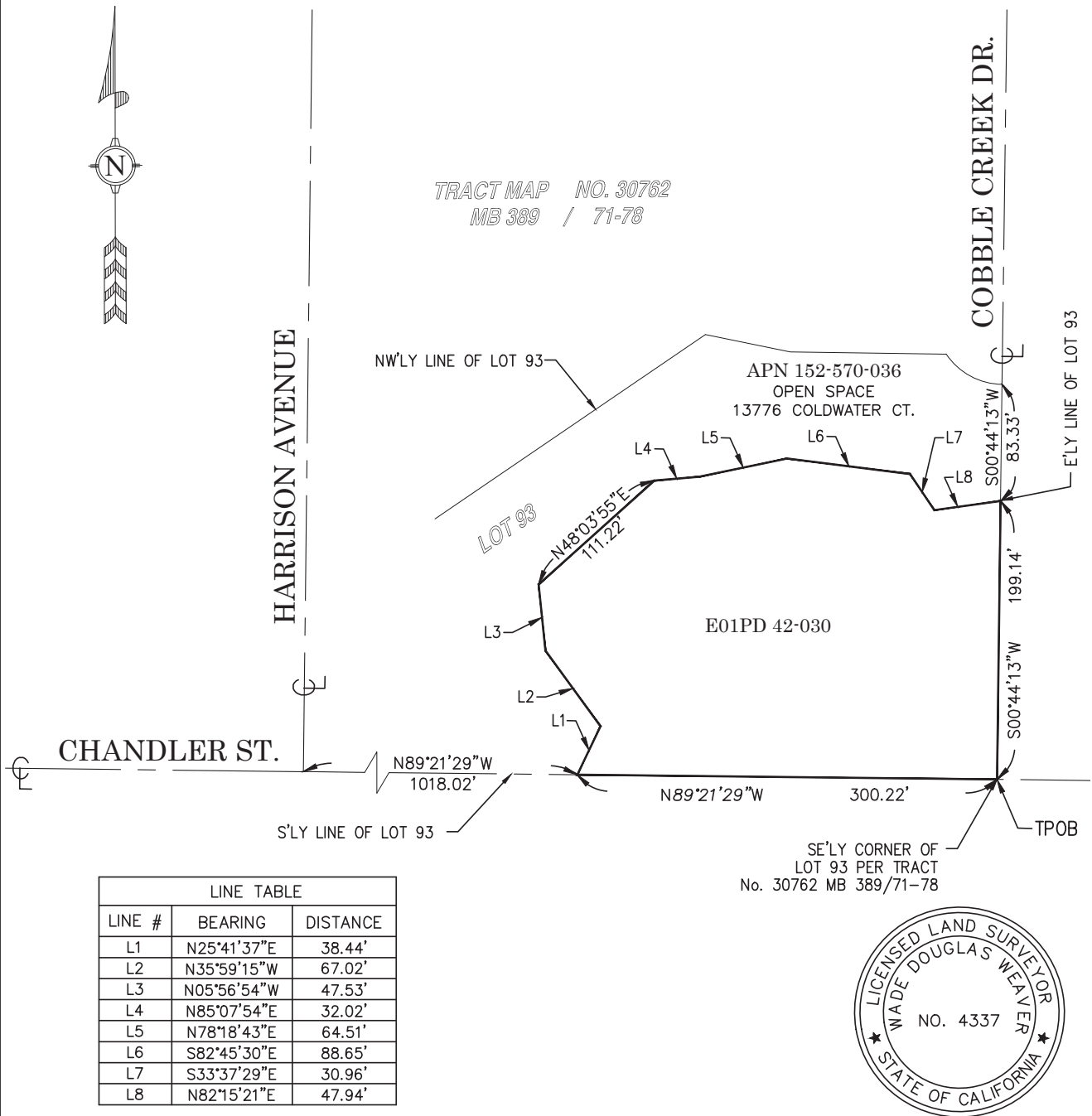
**PROJECT: PRADO BASIN PARCEL 42-030**


PREPARED BY:  
**J.MORENO**



# ATTACHMENT J

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



	OC PUBLIC WORKS OC SURVEY RIGHT-OF-WAY SERVICES	ROW ID NO. 2016-080	EXHIBIT B SHEET 2 OF 2
		SCALE: 1"=100'	
	PROJECT: PRADO BASIN PARCEL 42-030		



## ATTACHMENT K

### **NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, an easement for flowage purposes over certain real property currently owned by Watson Land Company (“Owner”) and located at 6911 BICKMORE AVENUE & 16133 FERN AVENUE in the City of Chino, County of San Bernardino, California and more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting concrete paving and curbing, concrete perimeter walls, entrance gates, asphalt paved driveways and parking lot, parking lot light standards, perimeter landscaping, irrigation systems and drainage improvements, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.



## ATTACHMENT K

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

The Subject Property Interests are being considered for acquisition through eminent domain proceedings because District staff believes they are required for the essential flood control purposes of the District with respect to the District's Project; that if the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

**YOU ARE HEREBY NOTIFIED** that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on March 14, 2023, at the Board of Supervisors' Hearing Room, First Floor, County Administration North, 400 W. Civic Center Drive., Santa Ana, California.

**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by



## ATTACHMENT K

filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether ***the public interest and necessity require the Project***; (2) ***whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury***; (3) ***whether the Subject Property Interests sought to be acquired are necessary for the Project***; and (4) ***whether the offer required by section 7267.2 of the Government Code has been made to the owner of record***.

Clerk of the Board of Supervisors  
County Administration North  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, California 92701

You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.



ATTACHMENT K

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



ATTACHMENT K

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

Notice Recipients – Names and Addresses		
		Watson Land Company Attn: Stefanie L. Forsey 22010 S. Wilmington Ave., Suite 400 Carson, CA 90745

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)



ATTACHMENT L

**NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE  
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL  
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING  
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL  
PROPERTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, an easement for flowage purposes over certain real property owned by Majestic-AMB South Chino, LLC, a Delaware limited liability company (“Owner”) and located at 16045 Mountain Avenue, in the City of Chino, County of San Bernardino, California and more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property **excepting** concrete paving at loading dock and walkway areas, asphalt paved parking areas, perimeter fencing, guard kiosks, landscaping, related utilities, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.



## ATTACHMENT L

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

The Subject Property Interests are being considered for acquisition through eminent domain proceedings because District staff believes they are required for the essential flood control purposes of the District with respect to the District's Project; that if the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

**YOU ARE HEREBY NOTIFIED** that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on March 14, 2023, at the Board of Supervisors' Hearing Room, First Floor, County Administration North, 400 W. Civic Center Drive, Santa Ana, California.

**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by



ATTACHMENT L

filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether *the public interest and necessity require the Project*; (2) *whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury*; (3) *whether the Subject Property Interests sought to be acquired are necessary for the Project*; and (4) *whether the offer required by section 7267.2 of the Government Code has been made to the owner of record*.

Clerk of the Board of Supervisors  
County Administration North  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, California 92701

You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.



ATTACHMENT L

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



ATTACHMENT L

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

Notice Recipients – Names and Addresses		
		Majestic-AMB South Chino, LLC c/o Majestic Realty Co. 13191 Crossroads Parkway North 6 <sup>th</sup> Floor City of Industry, CA 91746 Attention: Linda J. Casey

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)



ATTACHMENT M

**NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE  
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL  
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING  
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL  
PROPERTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, an easement for flowage purposes over certain real property currently owned by Young’s Holdings, Inc (“Owner”) and located at 6711 Bickmore Avenue in the City of Chino, County of San Bernardino, California and more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting concrete perimeter walls, fencing, entrance gates, guard kiosks, loading ramps, truck yards, walkways, asphalt paved parking areas, parking lot light standards, landscaping, and related utilities, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.



## ATTACHMENT M

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

The Subject Property Interests are being considered for acquisition through eminent domain proceedings because District staff believes they are required for the essential flood control purposes of the District with respect to the District's Project; that if the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

**YOU ARE HEREBY NOTIFIED** that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on March 14, 2023, at the Board of Supervisors' Hearing Room, First Floor, County Administration North, 400 W. Civic Center Drive., Santa Ana, California.

**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be



ATTACHMENT M

heard on: (1) whether *the public interest and necessity require the Project*; (2) *whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury*; (3) *whether the Subject Property Interests sought to be acquired are necessary for the Project*; and (4) *whether the offer required by section 7267.2 of the Government Code has been made to the owner of record*.

Clerk of the Board of Supervisors  
County Administration North  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, California 92701

You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.



ATTACHMENT M

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



ATTACHMENT M

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

Notice Recipients – Names and Addresses		
		Young's Holdings, Inc. Attention: Cassie Kelle 15 Enterprise, Suite 100 Aliso Viejo, CA 92656

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)



ATTACHMENT N

**NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE  
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL  
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING  
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL  
PROPERTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, an easement for flowage purposes over certain real property currently owned by Carson Chino South LLC, a California limited liability company (“Owner”) and located at 16142 Fern Avenue in the City of Chino, County of San Bernardino, California and more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property **excepting**: Heavy concrete 7” ±: 180,000 sf, Stamped concrete: 3,000 sf, Concrete pads/walkways/patio: 1,550 sf, Concrete stairs: 640 sf, Concrete loading ramps: 2,400 sf, Concrete curbing: 4,100 lf, Concrete planter curbing: 675 lf, Asphalt paving/stripping: 47,000 sf, Guard kiosk: 1 ea, Chain link fencing 6’ high: 1,700 lf, Iron roll gates, electric: 80 lf, Metal with full turn style gate: 1 ea, Conc. Wing walls 12±’ high: 130 lf, Conc. trellis wall 10±’



## ATTACHMENT N

high: 75 lf, Light standards: 5 ea, Steel bollards standard: 37 ea, Steel bollards large: 10 ea, Irrigated grass, shrubbery, trees: 42,000 sf, provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

The Subject Property Interests are being considered for acquisition through eminent domain proceedings because District staff believes they are required for the essential flood control purposes of the District with respect to the District's Project; that if the Subject Property Interests were not acquired, the Project could not proceed as planned, which in turn would result in inadequate flood protection downstream of the Prado Dam, potential flooding of, or damage to, State Route 91, and a significant risk of property damage, personal injury and/or loss of life suffered by those downstream in Orange County; and that it is also necessary that the District acquire the Subject Property Interests because that area will itself be exposed to a greater risk of inundation as a result of the increased capacity of the Project reservoir.

**YOU ARE HEREBY NOTIFIED** that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on March 14, 2023, at the



ATTACHMENT N

Board of Supervisors' Hearing Room, First Floor, County Administration North, 400 W. Civic Center Drive., Santa Ana, California.

**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether *the public interest and necessity require the Project*; (2) *whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury*; (3) *whether the Subject Property Interests sought to be acquired are necessary for the Project*; and (4) *whether the offer required by section 7267.2 of the Government Code has been made to the owner of record*.

Clerk of the Board of Supervisors  
County Administration North  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, California 92701

You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Robin Stieler, Clerk of the Board of Supervisors at (714) 834-3324.



ATTACHMENT N

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



ATTACHMENT N

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

		Notice Recipients – Names and Addresses
		Carson Chino South, LLC 100 Bayview Circle, Suite 3500 Newport Beach, CA 92660 Attention: John W. Hawkinson

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)



ATTACHMENT O

**NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE  
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL  
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING  
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL  
PROPERTY**

**YOU ARE HEREBY NOTIFIED**, pursuant to Code of Civil Procedure section 1245.235, that the Board of Supervisors of the County of Orange (the “Board”), acting as the governing board of the Orange County Flood Control District (the “District”), intends to consider for adoption a resolution of necessity (the “Resolution”), a copy of which as proposed is attached to this Notice, determining the necessity to acquire, through eminent domain proceedings, an easement for flowage purposes over certain real property currently owned by Carson Chino South LLC, a California Limited Liability Company (“Owner”) and located at 16043 & 16501 El Prado Rd. in the City of Chino, County of San Bernardino, California and more specifically described below (the “Subject Property Interests”) – for purposes of the District’s Santa Ana River Mainstem/Prado Dam project (the “Project”). The Subject Property Interests consist of the following:

The perpetual and assignable right, power, privilege and easement to occasionally overflow, flood and/or submerge certain real property including the right to cause, without limitation, erosion and/or deposition and association damages to said real property and any and all structures and improvements situated thereon, located in the County of San Bernardino, State of California, as described in Exhibit “A” and as depicted on Exhibit “B,” attached hereto, and by this reference made a part hereof, in connection with the operation and maintenance of the Prado Dam and Basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting: Concrete paving/curbing: 270,500± sf, Asphalt paving/parking: 41,000± sf, Irrigated landscaping: 85,000± sf, perimeter fencing/gating, concrete bollards, marked truck trailer parking, loading ramp, walkways and handicap ramps, signs, and related utilities and fire hydrants, provided that no structures for human habitation shall be constructed or maintained on said real property,



## ATTACHMENT O

except as may be approved in writing by the authorized representative of the District.

No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

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**YOU ARE HEREBY NOTIFIED** that the public hearing by the Board to consider adoption of the Resolution is set for 9:30 a.m. (or as soon thereafter as the Board meeting reaches the agenda item relating to this public hearing) on March 14, 2023, at the Board of Supervisors' Hearing Room, First Floor, County Administration North, 400 W. Civic Center Drive., Santa Ana, California.



ATTACHMENT O

**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether *the public interest and necessity require the Project*; (2) *whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury*; (3) *whether the Subject Property Interests sought to be acquired are necessary for the Project*; and (4) *whether the offer required by section 7267.2 of the Government Code has been made to the owner of record*.

Clerk of the Board of Supervisors  
County Administration North  
400 W. Civic Center Drive, 6<sup>th</sup> Floor  
Santa Ana, California 92701

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ATTACHMENT O

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



ATTACHMENT O

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

		Notice Recipients – Names and Addresses
		Carson Chino South, LLC 100 Bayview Circle, Suite 3500 Newport Beach, CA 92660 Attention: John W. Hawkinson

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)



ATTACHMENT P

**NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE  
GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL  
DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING  
THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL  
PROPERTY**

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A perpetual right, power, privilege and easement in, on, over, under, and across the surface of that real property legally described by Exhibit A and depicted on Exhibit B to the proposed Resolution, consisting of project parcel nos. E01PD-42-004 & 42-030, which covers a portion of Riverside County Assessor’s Parcel Numbers (“APN”) 152-030-019 & 152-570-036, located at the northern edge of the Santa Ana River, on the east side of Harrison Avenue, south of Cobble Creek Drive in the City of Eastvale, California (the “Easement Area”), to overflow, flood and/or submerge such real property including the right to cause, without limitation, erosion and/or deposition and associated damages to said Easement Area and any and all structures and improvements situated thereon, in connection with the operation, maintenance, repair, rehabilitation, restoration and improvement of the Prado Dam and reservoir/basin, together with all right, title, and interest in and to the structures and improvements now situated on said real property excepting the following:  
**EASTERLY PARK COMPONENT ITEMS:** Pavilion 1,385 SF, Four (4) Picnic Tables (in pavilion), Three (3) Frisbee/Disc Golf, Three (3) Bridges, Playground-Rubberized Surface, Playground-Equipment/Benches (on playground), Light Standards (14), Additional Benches (4),



## ATTACHMENT P

Additional Picnic Tables (3), Barbecue (1), Water Fountain (1), Fencing (512 LF), Landscaping (57,821 SF), Asphalt Paving (10,236 SF), Concrete Paving (5,711 SF), **WESTERLY COMPONENT ITEMS:** Soft Turf Run/Walk Path (3,801 SF), Asphalt Paving (3,840 SF), Fitness Stations (4), Light Standards (2), Landscaping (47,349 SF), provided that no structures for human habitation shall be constructed or maintained on said real property, except as may be approved in writing by the authorized representative of the District. No other structures shall be constructed or maintained within the Easement Area, except as may be approved in writing by the authorized representative of the easement holder. No excavation, drilling or mining shall be conducted, and no landfill placed on the Easement Area without easement holder approval as to the location and method of excavation, drilling, mining, and/or placement of landfill. The Subject Property Interests are subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving, however, to underlying fee owner all such rights and privileges as may be used without abridging the rights and easement hereby acquired, and provided that any use of the Easement Area shall be subject to all applicable laws including, but not limited, to laws regarding the environment.

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ATTACHMENT P

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**YOU ARE HEREBY FURTHER NOTIFIED** that you must file a written request to appear and be heard within fifteen (15) days of the mailing of this Notice by filing or delivering a written request to the address below if you desire to appear and be heard on: (1) whether *the public interest and necessity require the Project*; (2) *whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury*; (3) *whether the Subject Property Interests sought to be acquired are necessary for the Project*; and (4) *whether the offer required by section 7267.2 of the Government Code has been made to the owner of record*.

Clerk of the Board of Supervisors  
County Administration North Building, Sixth Floor  
400 W. Civic Center Drive  
Santa Ana, California 92701

You may use the following page of this Notice for this purpose to notify the Board of Supervisors of your intent and desire to be heard. Your failure to file a written request to appear and be heard within fifteen (15) days after this Notice was mailed may result by law in a waiver of your right to be heard. For further information, please contact Christine Long, CEO/Real Estate Services Department at (714) 834-7467.



ATTACHMENT P

**REQUEST TO BE HEARD ON RESOLUTION DETERMINING THE  
NECESSITY TO ACQUIRE AND CONDEMN, THROUGH EMINENT DOMAIN,  
REAL PROPERTY FOR THE SANTA ANA RIVER MAINSTEM/ PRADO DAM  
PROJECT**

Name\_\_\_\_\_

Address\_\_\_\_\_

\_\_\_\_\_

Telephone Number\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_

(Signature)



ATTACHMENT P

**DECLARATION OF MAILING**

\_\_\_\_\_, \_\_\_\_\_,  
(Name) (Title)  
on behalf of the County of Orange, CEO Real Estate Department, hereby declares as follows:

That on \_\_\_\_\_, I mailed, postage prepaid, a copy of the attached NOTICE OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, CALIFORNIA, ACTING AS THE GOVERNING BOARD OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT, TO CONSIDER FOR ADOPTION A RESOLUTION DETERMINING THE NECESSITY OF ACQUISITION BY EMINENT DOMAIN OF REAL PROPERTY to the record owner of the real property which may be acquired and whose names and addresses appear on the last equalized assessment rolls. The names and addresses of all persons the attached Notice was mailed to are as follows:

Notice Recipients – Names and Addresses	
	Jurupa Community Services District Board of Directors 11201 Harell Street Jurupa Valley, CA 91752-3715

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

**EXECUTED** at Santa Ana, California, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
(Signature)





## County Executive Office

### Memorandum

March 8, 2023

**To:** Clerk of the Board of Supervisors  
**From:** Frank Kim, County Executive Officer  
**Subject:** Exception to Rule 21

Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=County  
of Orange, ou=CEO,  
email=frank.kim@ocgov.com,  
c=US  
Date: 2023.03.08 16:42:06  
+08'00'

S386

The County Executive Office is requesting a Supplemental Agenda Staff Report for the March 14, 2023, Board Hearing.

**Agency:** County Counsel  
**Subject:** Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum  
**Districts:** All

**Reason Item is Supplemental:** This item is a supplemental item to allow the Sheriff's Department time to gather data about the access to individuals provided to Immigration and Customs Enforcement (ICE) during 2022 and to accommodate the Sheriff's schedule.

**Justification:** This item must be heard on March 14, 2023, because the 30-day public notice required by Government Code Section 7283.1 specified that date. If it is continued, the 30-day public notice must be given anew. This Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:   
Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors  
County Executive Office  
County Counsel

CLERK OF THE BOARD  
OF SUPERVISORS  
COUNTY OF ORANGE  
CALIFORNIA

2023 MAR -9 PM 12:50

RECEIVED





## SUPPLEMENTAL AGENDA ITEM AGENDA STAFF REPORT

**MEETING DATE:** 03/14/23

**LEGAL ENTITY TAKING ACTION:** Board of Supervisors

**BOARD OF SUPERVISORS DISTRICT(S):** All Districts

**SUBMITTING AGENCY/DEPARTMENT:** County Counsel

**DEPARTMENT HEAD REVIEW:** Leon J. Page  
Digitally signed by Leon J. Page  
DN: cn=Leon J. Page, ou=County of Orange, ou=County  
Counsel, email=leon.pag@coorange.ca.gov, c=US  
Date: 2023.03.08 15:46:17 -0800

**DEPARTMENT CONTACT PERSON(S):** Leon J. Page (714) 834-3300  
Nicole A. Sims (714) 834-3319

RECEIVED  
2023 MAR -9 PM 12:50  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS

**SUBJECT:** Transparent Review of Unjust Transfers and Holds (TRUTH) Act Community Forum

**CEO CONCUR**

Digitally signed by Frank Kim  
DN: cn=Frank Kim, ou=County of  
Orange, ou=CEO,  
email=frank.kim@ocgov.com,  
c=US  
Date: 2023.03.08 16:44:06 -0800

CEO Signature

**COUNTY COUNSEL REVIEW**

No Legal Objection

Action

Leon J. Page

Digitally signed by Leon J. Page  
DN: cn=Leon J. Page, ou=County of Orange,  
ou=County Counsel,  
email=leon.pag@coorange.ca.gov, c=US  
Date: 2023.03.08 16:53:46 -0800

County Counsel Signature

**CLERK OF THE BOARD**

Public Hearing

3 Votes Board Majority

**Budgeted:** N/A

**Current Year Cost:** N/A

**Annual Cost:** N/A

**Staffing Impact:** N/A

**# of Positions:**

**Sole Source:** N/A

**Current Fiscal Year Revenue:** N/A

**Funding Source:** N/A

**County Audit in last 3 years** N/A

**Prior Board Action:** 12/8/2020, Item #S34A, 2/23/2021, Item #S15C, 3/22/22, Item #S46A

### RECOMMENDED ACTION(S)

1. Pursuant to Government Code section 7283.1, conduct public hearing regarding access to individuals that has been provided to Immigration and Customs Enforcement by County law enforcement departments during 2022.
2. Receive and file information from County law enforcement departments regarding Immigration and Customs Enforcement's access to individuals in 2022.

### SUMMARY:

California's Transparent Review of Unjust Transfers and Holds (TRUTH) Act (Government Code sections 7283 and 7283.1) requires that a Community Forum be held each year, to provide the public with information about what access to individuals had been provided to Immigration and Customs Enforcement (ICE) by County law enforcement departments during the preceding year.



## **BACKGROUND INFORMATION:**

In accord with Government Code sections 7283, subdivision (a) and 7283.1, subdivision (d), the Board has held a public hearing at its meetings on December 8, 2020, February 23, 2021, and March 22, 2022, to provide the public with information about what access to individuals had been provided to ICE by County law enforcement departments during the preceding year.

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“ICE access” means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

### *Sheriff's Department (OCSD)*

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. Following the enactment of the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, OCSD created forms by which OCSD requests an inmate's written consent to be interviewed by ICE (“TRUTH Act Interview Consent Form”) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (“TRUTH Act Notification Form”) (Attachment C).

OCSD provided the following information for 2022 (see Attachments D and E):

- In calendar year 2022, a total of 272 inmates released from the Orange County Jail had ICE detainers, meaning ICE requested that OCSD notify them when the inmates were being released from OCSD's custody. OCSD notified ICE about 155 of those 272 inmates upon the inmates' completion of their time in local custody. Those inmates were all individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody. Of the 155 individuals, only 17 or 10.9 percent were transferred to ICE's custody. With respect to the other 138 individuals who, under state law, were eligible for transfer to ICE, ICE took no action and these individuals were released back into the community. A total of 20 of these individuals were re-arrested for new crimes in Orange County.
- State law prohibited OCSD from notifying ICE of the release of 117 inmates who had ICE detainers. Of the 117 inmates with ICE detainers who were released back into the community, 13 were re-arrested for new crimes in Orange County.



*Probation Department (Probation)*

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2022.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**REVIEWING AGENCIES:**

Sheriff's Department  
Probation Department

**ATTACHMENT(S):**

Attachment A – Government Code sections 7283 and 7283.1; Welfare & Institutions Code section 831  
Attachment B – OCSD's Jail Policy Section 1206 (Immigration)  
Attachment C – OCSD's Inmate Interview Consent Form and Notification Form  
Attachment D – Orange County Jail – Immigration Detainer Data – 2022  
Attachment E – Inmates with Immigration Detainers – 2022



West's Annotated California Codes  
Government Code (Refs & Annos)  
Title 1. General  
Division 7. Miscellaneous  
Chapter 17.2. Standards for Participation in United States Immigration and Customs Enforcement Programs  
(Refs & Annos)

## West's Ann.Cal.Gov.Code § 7283

## § 7283. Definitions

Effective: January 1, 2017

Currentness

For purposes of this chapter, the following terms have the following meanings:

- (a) "Community forum" includes, but is not limited to, any regular meeting of the local governing body that is open to the public, where the public may provide comment, is in an accessible location, and is noticed at least 30 days in advance.
- (b) "Hold request" means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.
- (c) "Governing body" with respect to a county, means the county board of supervisors.
- (d) "ICE access" means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all of the following:
- (1) Responding to an ICE hold, notification, or transfer request.
  - (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.
  - (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
  - (4) Allowing ICE to interview an individual.
  - (5) Providing ICE information regarding dates and times of probation or parole check-ins.



(e) "Local law enforcement agency" means any agency of a city, county, city and county, special district, or other political subdivision of the state that is authorized to enforce criminal statutes, regulations, or local ordinances; or to operate jails or to maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

(f) "Notification request" means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.

(g) "Transfer request" means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.

**Credits**

(Added by Stats.2016, c. 768 (A.B.2792), § 3, eff. Jan. 1, 2017.)

West's Ann. Cal. Gov. Code § 7283, CA GOVT § 7283

Current with all laws through Ch. 997 of 2022 Reg.Sess.

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West's Annotated California Codes  
Government Code (Refs & Annos)

Title 1. General

Division 7. Miscellaneous

Chapter 17.2. Standards for Participation in United States Immigration and Customs Enforcement Programs  
(Refs & Annos)

West's Ann.Cal.Gov.Code § 7283.1

§ 7283.1. Individuals in local law enforcement custody; ICE interviews; ICE hold, notification or transfer requests; records relating to ICE access; community forum

Effective: January 1, 2023

Currentness

(a) In advance of any interview between ICE and an individual in local law enforcement custody regarding civil immigration violations, the local law enforcement entity shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the individual may decline to be interviewed or may choose to be interviewed only with the individual's attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. The written consent form shall also be available in any additional languages that meet the county threshold as defined in subdivision (d) of Section 128552 of the Health and Safety Code if certified translations in those languages are made available to the local law enforcement agency at no cost.

(b) Upon receiving any ICE hold, notification, or transfer request, the local law enforcement agency shall provide a copy of the request to the individual and inform the individual whether the law enforcement agency intends to comply with the request. If a local law enforcement agency provides ICE with notification that an individual is being, or will be, released on a certain date, the local law enforcement agency shall promptly provide the same notification in writing to the individual and to the individual's attorney or to one additional person who the individual shall be permitted to designate.

(c) All records relating to ICE access provided by local law enforcement agencies, including all communication with ICE, shall be public records for purposes of the California Public Records Act (Division 10 (commencing with Section 7920.000)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. Records relating to ICE access include, but are not limited to, data maintained by the local law enforcement agency regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means.

(d) Beginning January 1, 2018, the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year shall hold at least one community forum during the following year, that is open to the public, in an accessible location, and with at least 30 days' notice to provide information to the public about ICE's access to individuals and to receive and consider public comment. As part of this forum, the local law enforcement agency may provide the governing body with data it maintains regarding the number and demographic characteristics of individuals to whom the agency has provided ICE access, the date ICE access was provided, and whether the ICE access was provided through a hold, transfer, or notification request or through other means. Data may be provided



in the form of statistics or, if statistics are not maintained, individual records, provided that personally identifiable information shall be redacted.

**Credits**

(Added by Stats.2016, c. 768 (A.B.2792), § 3, eff. Jan. 1, 2017. Amended by Stats.2021, c. 615 (A.B.474), § 146, eff. Jan. 1, 2022, operative Jan. 1, 2023.)

**Editors' Notes**

**LAW REVISION COMMISSION COMMENTS**

**2021 Amendment**

Section 7283.1 is amended to reflect nonsubstantive recodification of the California Public Records Act. See California Public Records Act Clean-Up, 46 Cal. L. Revision Comm'n Reports 207 (2019).

The section is also amended to eliminate gendered pronouns. [46 Cal.L.Rev.Comm. Reports 563 (2019)].

**Notes of Decisions (1)**

West's Ann. Cal. Gov. Code § 7283.1, CA GOVT § 7283.1  
Current with all laws through Ch. 997 of 2022 Reg.Sess.

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West's Annotated California Codes

Welfare and Institutions Code (Refs & Annos)

Division 2. Children

Part 1. Delinquents and Wards of the Juvenile Court (Refs & Annos)

Chapter 2. Juvenile Court Law (Refs & Annos)

Article 22. Wards and Dependent Children--Records (Refs & Annos)

West's Ann.Cal.Welf. & Inst.Code § 831

§ 831. Confidentiality of juvenile court records regardless of immigration status; disclosure

Effective: January 1, 2016

Currentness

(a) It is the intent of the Legislature in enacting this section to clarify that juvenile court records should remain confidential regardless of the juvenile's immigration status. Confidentiality is integral to the operation of the juvenile justice system in order to avoid stigma and promote rehabilitation for all youth, regardless of immigration status.

(b) Nothing in this article authorizes the disclosure of juvenile information to federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) of subdivision (a) of Section 827.

(c) Nothing in this article authorizes the dissemination of juvenile information to, or by, federal officials absent a court order of the judge of the juvenile court upon filing a petition as provided by subparagraph (P) of paragraph (1) and paragraph (4) of subdivision (a) of Section 827.

(d) Nothing in this article authorizes the attachment of juvenile information to any other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court as provided by paragraph (4) of subdivision (a) of Section 827.

(e) For purposes of this section, "juvenile information" includes the "juvenile case file," as defined in subdivision (e) of Section 827, and information related to the juvenile, including, but not limited to, name, date or place of birth, and the immigration status of the juvenile that is obtained or created independent of, or in connection with, juvenile court proceedings about the juvenile and maintained by any government agency, including, but not limited to, a court, probation office, child welfare agency, or law enforcement agency.

(f) Nothing in this section shall be construed as authorizing any disclosure that would otherwise violate this article.

(g) The Legislature finds and declares that this section is declaratory of existing law.

**Credits**

(Added by Stats.2015, c. 267 (A.B.899), § 2, eff. Jan. 1, 2016.)



Notes of Decisions (1)

West's Ann. Cal. Welf. & Inst. Code § 831, CA WEL & INST § 831

Current with all laws through Ch. 997 of 2022 Reg.Sess.

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# CCOM

Court & Custody Operation Manual

## JAIL COMPLIANCE & TRAINING TEAM

CCOM:  
1206 – Immigration



## 1206– Immigration

Although enforcing immigration law is a federal government responsibility and not shared by members of OCSD, OCSD may allow members of Immigration and Customs Enforcement (ICE) into our custodial facilities for the purpose of interviewing inmates for immigration violations, provided the requirements of Government Code section 7283, et seq (the “Truth Act”) are met. Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been convicted of the crimes, or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (the “Trust Act” as amended by Senate Bill 54 (the “California Values Act”)).

### 1206.1 – Definitions

- a) **Hold Request** means a federal Immigration and Customs Enforcement (ICE) request that a local law enforcement agency maintain custody of an individual currently in its custody beyond the time he or she would otherwise be eligible for release in order to facilitate transfer to ICE and includes, but is not limited to, Department of Homeland Security (DHS) Form I-247D.
- b) **Notification Request** means an Immigration and Customs Enforcement request that a local law enforcement agency inform ICE of the release date and time in advance of the public of an individual in its custody and includes, but is not limited to, DHS Form I-247N.
- c) **Transfer Request** means an Immigration and Customs Enforcement request that a local law enforcement agency facilitate the transfer of an individual in its custody to ICE, and includes, but is not limited to, DHS Form I-247X.
- d) **Judicial Probable Cause Determination** means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.
- e) **Judicial Warrant** means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

### 1206.2 – Immigration Interview Procedure

- a) The Facility Watch Commander shall be notified of an ICE Agent’s arrival and request to interview inmates for immigration violations.
- b) Prior to being interviewed, a Classification Deputy will provide the inmate with a written consent form (Truth Act Interview Consent Form) which is available in one of eight languages as follows:
  - 1. English
  - 2. Chinese
  - 3. Farsi
  - 4. Korean
  - 5. Spanish
  - 6. Tagalog
  - 7. Vietnamese
  - 8. Arabic
- c) The form will explain the purpose of the interview, the voluntary nature of the interview, and that the inmate may decline to be interviewed or may choose to be interviewed only with his or her attorney present.
- d) If the inmate chooses to have his or her attorney present, the interview will be postponed until the attorney can be present.
- e) Upon completion of the written consent form, the inmate will be provided with a duplicate copy and the original will be placed in the inmate’s record jacket.
- f) If the inmate agrees to be interviewed, a Classification Deputy will be assigned to escort the inmate to the ICE Agent’s location.



### 1206.3 –Receiving a Notification/Transfer Request

- a) Upon receiving a Notification/Transfer Request, Inmate Records shall provide a copy of the Notification/Transfer Request for the referenced inmate to Classification.
  - 1. This includes a Notification/Transfer Request placed by persons outside of OCSD, or already lodged on an inmate prior to their intake or after intake when the OCSD becomes aware of such Notification/Transfer Requests.
- b) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide a copy of the Notification/Transfer Request to the inmate and inform the inmate whether OCSD intends to comply with the Notification/Transfer Request in accordance with Government Code section 7282, et seq.(the "Trust Act", as amended by Senate Bill 54 (the "California Values Act")).
- c) The on-duty Classification Sergeant, or in his or her absence, the on-duty Operations Sergeant will designate an on-duty Classification deputy or other deputy to provide the Truth Act Notification form to the inmate to complete the name and address of the inmate's attorney or other person whom the inmate may designate for the purpose of OCSD providing notice to that attorney or other person if ICE is notified of the inmate's release date.
- d) Upon completion of the top portion of the Truth Act Notification form, the Classification deputy or other deputy will return the form to Inmate Records and the form will be placed in the inmate's Inmate Record Jacket.

### 1206.4 – Screening Inmates in Accordance with the Trust Act and the California Values Act

- a) All inmates who have a Notification/Transfer Request will be evaluated in accordance with Government Code sections 7282 and 7282.5, which criteria are set forth in CCOM 1206.6. The evaluation will be conducted by an on-duty Classification Deputy designated by the on duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant.
- b) OCSD will comply with Notification/Transfer Requests by notifying ICE and releasing the inmate to ICE custody when the referenced inmate qualifies in accordance with Government Code sections 7282 and 7282.5.
  - 1. Inmates who qualify under Government Code sections 7282 and 7282.5 may be processed for release at Sentence Ending Date (SE Date) or Pre-trial release and released in-custody to ICE.
    - i. These inmates will not be held past their release date.
    - ii. No inmate will be detained or held on the basis of an ICE Hold Request.
  - 2. ICE will be notified in a timely manner for all inmates who qualify under Government Code sections 7282 and 7282.5 to afford ICE the opportunity to pick up the inmate. ICE will not be notified if the inmate does not qualify under Government Code sections 7282 and 7282.5.

### 1206.5 – Release of Inmates with a Notification/Transfer Request

- a) Records Supervisors will notify the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant when an inmate with a Notification/Transfer Request is preparing for release.
- b) The on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification deputy to screen the inmate per section 1206.4 above.
- c) When ICE is notified that an inmate is being, or will be released, on a certain date, the on-duty Intake Release Center Classification Sergeant, or in his or her absence, the on-duty Intake Release Center Operations Sergeant will designate an on-duty Classification Deputy to promptly complete the bottom portion of the Truth Act Notification form and provide a copy of the original to the inmate, mail a copy of the original to the inmate's attorney or other person designated by the inmate and return the original to the inmate's Inmate Record Jacket.
- d) Members of this Department may not transfer an individual in Department custody to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or that individual has been



convicted of the crimes or otherwise has met the criteria set forth in Government Code sections 7282 and 7282.5 (see CCOM 1206.6).

#### 1206.6– Criteria for Responding to a Notification/Transfer Request

- a) OCSD personnel may provide information in response to a Notification Request, or may transfer an inmate to immigration authorities only under the following circumstances, as permitted by Government Code sections 7282 and 7282.5:
  1. The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code. (See below for list of serious felonies and violent felonies)
  2. The individual has been convicted of a felony punishable by imprisonment in the state prison.
  3. The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:
    - i. Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.
    - ii. Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.
    - iii. Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.
    - iv. Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d, 266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.
    - v. Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.
    - vi. Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.
    - vii. Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.
    - viii. Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.
    - ix. Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.
    - x. Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.
    - xi. Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.
    - xii. Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).
    - xiii. An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.
    - xiv. Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.
    - xv. Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.



- xvi. An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.
- xvii. A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.
- xviii. Possession or use of a firearm in the commission of an offense.
- xix. An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.
- xx. False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.
- xxi. Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.
- xxii. Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.
- xxiii. A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.
- xxiv. Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.
- xxv. A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.
- xxvi. Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.
- xxvii. Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.
- xxviii. An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.
- xxix. Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.
- xxx. Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.
- xxxi. A violation of subdivision (c) of Section 20001 of the Vehicle Code.
- 4. The individual is a current registrant on the California Sex and Arson Registry.
- 5. The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.
- 6. In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.
- 7. In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.
- b) Serious Felonies identified in Penal Code section 1192.7(c)
  - 1. Murder or voluntary manslaughter;
  - 2. Mayhem;



3. Rape;
4. Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
5. Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person;
6. Lewd or lascivious act on a child under 14 years of age;
7. Any felony punishable by death or imprisonment in the state prison for life;
8. Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm;
9. Attempted murder;
10. Assault with intent to commit rape or robbery;
11. Assault with a deadly weapon or instrument on a peace officer;
12. Assault by a life prisoner on a non-inmate;
13. Assault with a deadly weapon by an inmate;
14. Arson;
15. Exploding a destructive device or any explosive with intent to injure;
16. Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem;
17. Exploding a destructive device or any explosive with intent to murder;
18. Any burglary of the first degree;
19. Robbery or bank robbery;
20. Kidnapping;
21. Holding of a hostage by a person confined in a state prison;
22. Attempt to commit a felony punishable by death or imprisonment in the state prison for life;
23. Any felony in which the defendant personally used a dangerous or deadly weapon;
24. Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code;
25. Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
26. Grand theft involving a firearm;
27. Carjacking;
28. Any felony offense, which would also constitute a felony violation of Section 186.22;
29. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220;
30. Throwing acid or flammable substances, in violation of Section 244;
31. Assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245;
32. Assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Section 245.2, 245.3, or 245.5;
33. Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246;
34. Commission of rape or sexual penetration in concert with another person, in violation of Section 264.1;
35. Continuous sexual abuse of a child, in violation of Section 288.5;
36. Shooting from a vehicle, in violation of subdivision (c) or (d) of Section 26100;
37. Intimidation of victims or witnesses, in violation of Section 136.1;



- 38. Criminal threats, in violation of Section 422;
- 39. Any attempt to commit a crime listed in this subdivision other than an assault;
- 40. Any violation of Section 12022.53;
- 41. A violation of subdivision (b) or (c) of Section 11418; and
- 42. Any conspiracy to commit an offense described in subdivision (c) of Section 1192.7.
- c) Violent Felonies identified in Penal Code Section 667.5(c)
  - 1. Murder or voluntary manslaughter.
  - 2. Mayhem.
  - 3. Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
  - 4. Sodomy as defined in subdivision (c) or (d) of Section 286.
  - 5. Oral copulation as defined in subdivision (c) or (d) of Section 288a.
  - 6. Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288.
  - 7. Any felony punishable by death or imprisonment in the state prison for life.
  - 8. Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55.
  - 9. Any robbery.
  - 10. Arson, in violation of subdivision (a) or (b) of Section 451.
  - 11. Sexual penetration as defined in subdivision (a) or (j) of Section 289.
  - 12. Attempted murder.
  - 13. A violation of Section 18745, 18750, or 18755.
  - 14. Kidnapping.
  - 15. Assault with the intent to commit a specified felony, in violation of Section 220.
  - 16. Continuous sexual abuse of a child, in violation of Section 288.5.
  - 17. Carjacking, as defined in subdivision (a) of Section 215.
  - 18. Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1.
  - 19. Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22.
  - 20. Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22.
  - 21. Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
  - 22. Any violation of Section 12022.53.
  - 23. A violation of subdivision (b) or (c) of Section 11418.

1206.7– Public Access to Records

- a) Upon receiving any request pursuant to the California Public Records Act, GOVT. CODE §§ 6250 – 6276.48 for information related to ICE’s access to individuals, responsive records shall be produced consistent with the Act’s requirements.





# ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

## TRUTH Act Interview Consent Form

Cal. Government Code §7283.1

\_\_\_\_\_, Booking Number \_\_\_\_\_  
 Print Name

☐ I voluntarily consent to speak with an Immigration and Customs Enforcement officer, for the purpose of determining my immigration status. This consent is made with the knowledge that I have the right to refuse to be interviewed. No promises, threats, or coercion have been made to induce me to relinquish this right and I do waive it freely and voluntarily. I understand that I may choose to be interviewed with my attorney present.

☐ I request my attorney to be present during the interview.

☐ I do not request my attorney to be present during the interview.

☐ I do not consent to speak with an Immigration and Customs Enforcement officer.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Completed by Deputy/PIN: \_\_\_\_\_

Copies: Original (inmate file) | Copy (Inmate)





# ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

## TRUTH Act Notification Form

Cal. Government Code §7283.1

\_\_\_\_\_, Booking Number \_\_\_\_\_  
Print Name

You have an immigration notification and/or transfer request by the Department of Homeland Security, Immigration and Customs Enforcement (DHS-ICE). Based on Government Code sections 7282 – 7282.5 and your criminal history, you may or may not qualify to be transferred into the custody of DHS-ICE at the time of your release. If you do qualify, then the Orange County Sheriff's Department intends to comply with DHS-ICE's request and transfer you into the custody of DHS-ICE at the time of your release.

If you have a question or complaint regarding this immigration request, you can contact the ICE ERO Detention Reporting and Information Line, toll-free, at 1-888-351-4024.

If we notify DHS-ICE that you are being, or will be released, on a certain date, we will provide notification in writing to you and to your attorney or one other person whom you may designate. Please complete the information below.

☐ I request my attorney be notified.

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**OR**

☐ I request the following person be notified:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Inmate Signature \_\_\_\_\_ Date \_\_\_\_\_

Completed by Deputy/PIN: \_\_\_\_\_

Complete when inmate is being released and ICE is notified

ICE Notified On: \_\_\_\_\_ Time: \_\_\_\_\_ that you are scheduled to be released on

Release Date: \_\_\_\_\_ Time: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy/PIN

Copies: Original (inmate file) | Copy 1 (Inmate) | Copy 2 (2<sup>nd</sup> Notification)

Revised 03/29/18



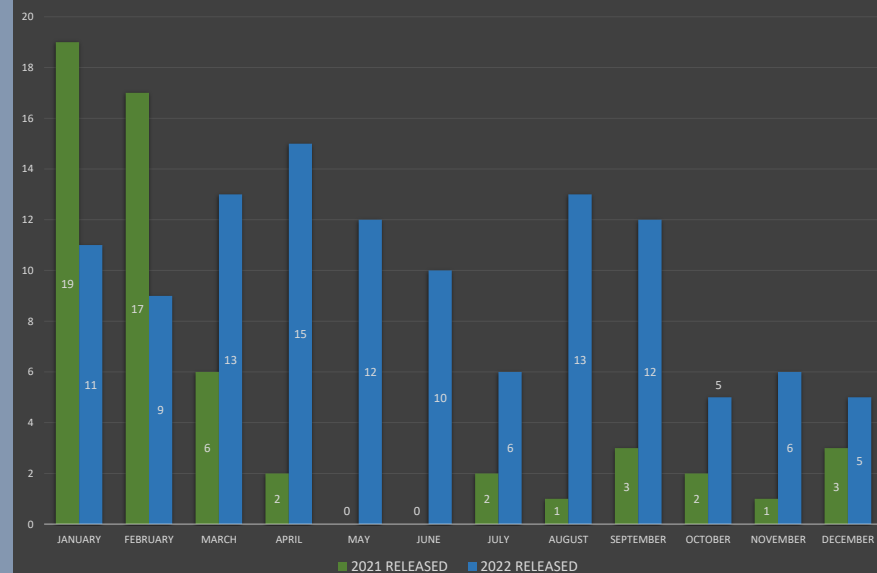
# ORANGE COUNTY JAIL - IMMIGRATION DETAINER DATA - 2022

ORANGE COUNTY SHERIFF'S DEPARTMENT

## INMATES RELEASED FROM CUSTODY WITH IMMIGRATION DETAINERS

	2021			2022		
	RELEASED	RE-ARRESTED	RECIDIVISM %	RELEASED	RE-ARRESTED	RECIDIVISM %
JANUARY	19	0	0%	11	0	0%
FEBRUARY	17	0	0%	9	0	0%
MARCH	6	1	17%	13	2	15%
APRIL	2	0	0%	15	2	13%
MAY	0	0	0%	12	3	25%
JUNE	0	0	0%	10	1	10%
JULY	2	0	0%	6	1	17%
AUGUST	1	0	0%	13	1	8%
SEPTEMBER	3	0	0%	12	1	8%
OCTOBER	2	1	50%	5	0	0%
NOVEMBER	1	1	100%	6	0	0%
DECEMBER	3	0	0%	5	2	40%
<b>TOTAL INMATES:</b>	<b>56</b>	<b>3</b>	<b>5%</b>	<b>117</b>	<b>13</b>	<b>11%</b>

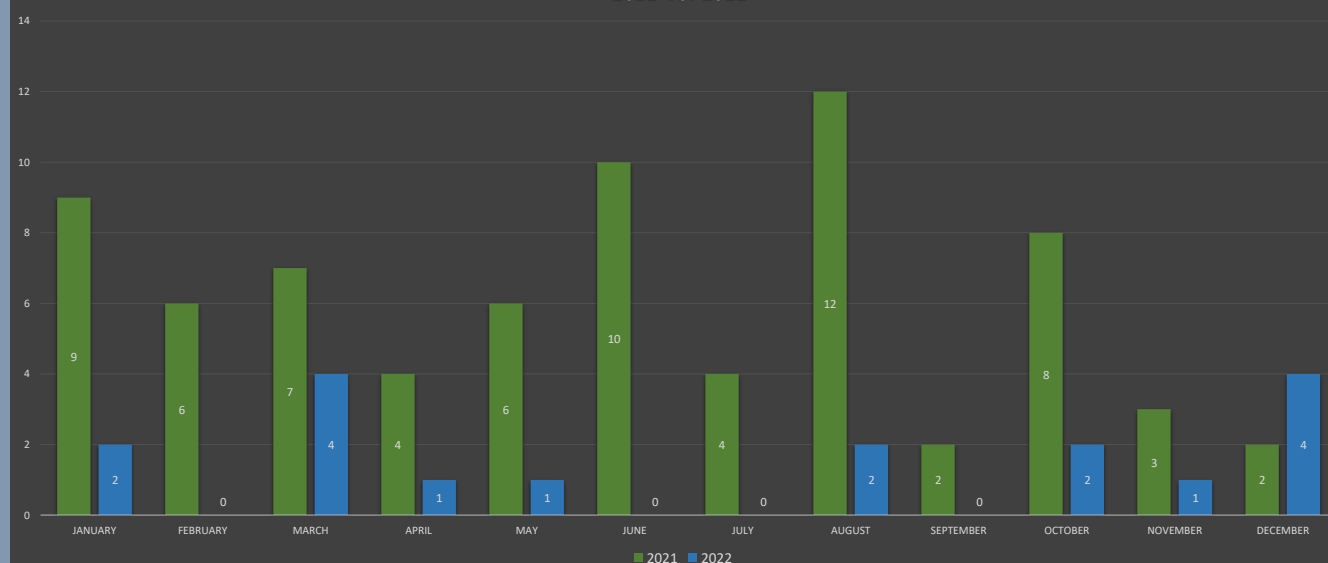
## INMATES RELEASED FROM CUSTODY WITH IMMIGRATION DETAINERS 2021 RELEASED VS. 2022 RELEASED



## INMATES RELEASED TO IMMIGRATION & CUSTOMS ENFORCEMENT (ICE)

	2021	2022	TOTAL
JANUARY	9	2	11
FEBRUARY	6	0	6
MARCH	7	4	11
APRIL	4	1	5
MAY	6	1	7
JUNE	10	0	10
JULY	4	0	4
AUGUST	12	2	14
SEPTEMBER	2	0	2
OCTOBER	8	2	10
NOVEMBER	3	1	4
DECEMBER	2	4	6
<b>TOTAL INMATES:</b>	<b>73</b>	<b>17</b>	<b>90</b>

## INMATES RELEASED TO IMMIGRATION & CUSTOMS ENFORCEMENT (ICE) 2021 VS. 2022





INMATES WITH IMMIGRATION DETAINERS							
MONTH	REFERRED TO ICE	NOT REFERRED / RELEASED	REFERRED - PICKED UP	REFERRED - NOT PICKED UP	REFERRED - ICE REFUSED	# RECIDIVIST ARRESTS (CUMULATIVE)	TOTAL SCREENED
January	16	11	2	10	4	1	27
February	11	9	0	8	3	1	20
March	22	13	4	18	0	4	35
April	14	15	1	13	0	2	29
May	16	12	1	14	1	6	28
June	11	10	0	8	3	4	21
July	13	6	0	13	0	2	19
August	11	13	2	9	0	2	24
September	7	12	0	7	0	4	19
October	11	5	2	7	2	3	16
November	14	6	1	13	0	2	20
December	9	5	4	5	0	2	14
Grand Total	155	117	17	125	13	33	272
			THESE STATS ARE A SUBSET OF THE TOTAL NUMBERS IN COLUMN "B" - "REFERRED TO ICE"				





**BOARD OF SUPERVISORS**  
**MEMORANDUM**

---

**TO:** Robin Stieler, Clerk of the Board

**FROM:** Vicente Sarmiento, Supervisor Second District

**DATE:** March 9, 2023

**Subject:** Supplemental Agenda Item for March 14, 2023, Board of Supervisors Meeting

*[Handwritten signature: Vicente Sarmiento]*

*[Handwritten signature: Robin Stieler]*

*S38H*

---

Please add the following commission appointment be added to the agenda for the March 14, 2023, Board of Supervisors meeting. The title should read:

Supervisor Sarmiento to appoint Ray Diaz to the Orange County Parks Commission for a term concurrent with the Supervisor's term of office.

*[Faint vertical stamp: 2023 MAR 14 10:00 AM]*

*[Faint vertical stamp: 91 C 01 6-11-00]*

*[Faint vertical stamp: 03/14/23]*





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to: Clerk of the Board of Supervisors  
400 W. Civic Center Dr., 6th Floor  
Santa Ana, California 92701  
Email: [response@ocgov.com](mailto:response@ocgov.com)  
Website: <https://cob.ocgov.com/>

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

**NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP. SEE LIST AT <https://cob.ocgov.com/boards-commissions-committees/bcc-name-list-and-contact-information>**

**OC Parks Commission**

**SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE:** ☐ First ☒ Second ☐ Third ☐ Fourth ☐ Fifth

**APPLICANT NAME AND RESIDENCE ADDRESS:**

**Ray Christopher Diaz**  
First Name Middle Name Last Name

**Santa Ana CA**  
Street Address City State Zip Code

Home Phone Number Cell Phone Number

Email Address

**CURRENT EMPLOYER:**

**OCCUPATION/JOB TITLE:**

**BUSINESS ADDRESS:**

**BUSINESS PHONE NUMBER:**

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

**ARE YOU A CITIZEN OF THE UNITED STATES:** ☒ YES ☐ NO

**IF NO, NAME OF COUNTRY OF CITIZENSHIP:**

**ARE YOU A REGISTERED VOTER?** ☒ YES ☐ NO

**IF YES, NAME COUNTY YOU ARE REGISTERED IN:** **Orange**



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY

FROM (MO./YR.)

TO (MO./YR.)


WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☐ YES ☒ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☐ YES ☒ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

Experience serving on commissions, committees, and ad-hocs  
for the City of Santa Ana.

DATE: 3/5/23

APPLICANTS SIGNATURE: Ray Diaz

CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE

Date Received: Received by: Deputy Clerk of the Board of Supervisors

Date referred:

To: ☐ BOS District 1 ☐ BOS District 2 ☐ BOS District 3 ☐ BOS District 4 ☐ BOS District 5

☐ All BOS ☐ BCC Contact Person Name



# Ray Diaz

## SUMMARY

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Accomplished student with successful track record organizing community events, with well-developed project management and leadership qualities. Passionate advocate with experience in community outreach. Energetic and charismatic individual with compassionate nature and drive to serve others.

## EDUCATION

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University of California, Santa Cruz | *Bachelor of Arts, Politics*

Exp. 2024

- John R. Lewis College Representative, Volunteer, Mentor

## EXPERIENCE

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### Barista

July. 2022 - Sep. 2022

Cafe Cito | 400 W 4th St, Santa Ana, CA

- Create hundreds of coffee and tea drinks in the heart of downtown.
- Built and maintained relationships with regular customers; handled money.

### Chief of Staff

Dec. 2021 - June 2022

Office of Internal Affairs, Student Union Assembly | 1156 High St, Santa Cruz, CA

- Foster communication between all IVP interns and hold regular meetings for the Office of Internal Affairs.
- Serve as the IA Office's liaison to other organizations and campus departments.
- Assist IVP with planning events, taking notes at meetings, responding to email inquiries, and completing purchase orders.

### Sales Associate

June 2021 - Sep. 2021

Suavecito Inc. | 2831 West 1st Street, Santa Ana, CA

- Retained product, service and company policy knowledge to serve as a resource for both coworkers and customers.
- Maintaining positive business relationships to ensure future sales

### Youth Commissioner | Chairperson

Feb. 2021 - Aug. 2021

Santa Ana City Council | 20 Civic Center Plaza, Santa Ana, CA

- Special advisor to the Santa Ana city council in matters pertaining to youth and teen services, programs, and cooperation with other public and private agencies.
- Consider the proposed annual budget for the Parks, Recreation and Community Services Agency and make recommendations regarding youth services to the City Manager and City Council.
- Elected to Chairperson of the commission

### Associate

May. 2019 - June 2021

In-N-Out Burger | 12975 Beach Blvd, Stanton, CA

- Built and maintained effective relationships with peers and upper management to drive team success toward common sales, service and operational goals.
- Provided engaging service; handled money.

### Political Canvasser

July 2020 - Nov. 2020

Candidates for Santa Ana City Council | Santa Ana, CA

- Distributed pamphlets and other informational literature to voters.
- Interacted with and educated voters in area to promote campaign
- Went door-to-door to collect data from community members and delivered yard signs.

## SKILLS

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Bilingual, Biliterate in English and Spanish | OS X | Windows | Google Programs | iOS | Android | Networking





**BOARD OF SUPERVISORS**  
**MEMORANDUM**

---

**TO:** Robin Stieler, Clerk of the Board

**FROM:** Vicente Sarmiento, Supervisor Second District

**DATE:** March 9, 2023

**Subject:** Supplemental Agenda Item for March 14, 2023, Board of Supervisors Meeting

*[Handwritten signature: Vicente Sarmiento]*  
*[Handwritten signature: Robin Stieler]*  
*S38I*

---

Please add the following commission appointment be added to the agenda for the March 14, 2023, Board of Supervisors meeting. The title should read:

Supervisor Sarmiento to appoint Tim Johnson to the Orange County Audit Oversight Committee for a term concurrent with the Supervisor's term of office.

916-411-6-10000  
916-411-6-10000  
916-411-6-10000





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to:

Clerk of the Board of Supervisors  
400 W. Civic Center Dr., 6th Floor  
Santa Ana, California 92701  
Website: [www.ocgov.com/gov/cob/](http://www.ocgov.com/gov/cob/)

Instructions: Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP  
(SEE LIST AT [HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):

ORANGE COUNTY AUDIT OVERSIGHT COMMITTEE

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: ☐ First ☒ Second ☐ Third ☐ Fourth ☐ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

TIMOTHY (TIM)

MICHAEL

JOHNSON

First Name

Middle Name

Last Name

SANTA ANA

CA

Street Address

City

State

Zip Code

Home Phone Number

Cell Phone Number

Email Address

CURRENT EMPLOYER:

OCCUPATION/JOB TITLE:

BUSINESS ADDRESS:

BUSINESS PHONE NUMBER:

EMPLOYMENT HISTORY: Please attach a resume to this application and provide any information that would be helpful in evaluating your application. *See Attached*

ARE YOU A CITIZEN OF THE UNITED STATES: ☒ YES ☐ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP:

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN:

ORANGE



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

ORGANIZATION/SOCIETY

FROM (MO./YR.)

TO (MO./YR.)

✓ SEE ATTACHED

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☒ YES ☐ NO *See Attached*

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☒ YES ☐ NO *See Attached; No known conflict*

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

✓ SEE ATTACHED

DATE: *2/10/2023*

APPLICANTS SIGNATURE: *[Signature]*

**CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE**

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_  
Deputy Clerk of the Board of Supervisors

Date referred: \_\_\_\_\_

To: ☐ BOS District 1 ☐ BOS District 2 ☐ BOS District 3 ☐ BOS District 4 ☐ BOS District 5

☐ All BOS ☐ BCC Contact Person Name



**EMPLOYMENT HISTORY, QUALIFICATIONS, EXPERIENCE, EDUCATION:**

- Certified Public Accountant
  - California license #79734
  - Issued: September 2000
- Masters of Science in Taxation
  - Golden Gate University, 2008
- Bachelors of Science in Accounting
  - California Lutheran University, 1997
- JLK Rosenberger, LLP (Irvine, CA)
  - Founding Partner, 2010 to present
  - Lead of the Sports & Entertainment practice niche
  - Focus: Income Tax, Tax Planning, Multi-State Taxation, Budgeting
  - Industries: Professional Athletes, Real Estate, Healthcare Providers, Manufacturing & Distribution, Service Providers, Retail
- Moore Stephens Wirth Frazer & Torbet, LLP
  - Partner, 2005 to 2009
  - Staff to Senior Tax Manager, 1997 to 2005
  - Focus: Income Tax, Audit & Attestation, Cost Segregation
- Relevant Financial Skills
  - Experienced in sales & income tax rules and regulations (Federal & Multi-State)
  - Experienced in budgeting & projection analysis
  - Experienced in understanding and discussing both accrual and cash basis financial statements, projections, dedicated/reserve accounts, and pro-forma analysis

**PROFESSIONAL OR COMMUNITY ORGANIZATIONS & BUSINESS/NONPROFIT AGENCIES:**

- American Institute of Certified Public Accountants- Member (2000 to present)
- California Society of Certified Public Accountants- Member (2000 to present)
- National Association of Tax Professionals- Member (approx 2017 to present)
- Good Shepherd Lutheran Church- Member (1997 to present), Treasurer (present)
- WISEPlace- Member of the Board (2019 to present), President of the Board (2023)
- City of Santa Ana Measure X Citizen Oversight Committee- Member and Current Chair (2019 to present)

**CONFLICTS OF INTEREST:**

I own, subject to a mortgage, my residence located in the City of Santa Ana which may create a conflict if matters involve my property or the surrounding properties. I also am a business owner of a local CPA firm which although we do not provide services to the county, there may be clients of my firm that provide various services. Both of these potential conflicts I believe would be remote but it is something that being a CPA I am aware of potential matters of conflict of interest and will take steps to avoid real or perceived conflicts of interest. To be clear, the answer to this question is "yes" because the question is worded "Do you own...which MIGHT present a POTENTIAL conflict of interest?" (emphasis added) and as such, I believe that there MIGHT be a POTENTIAL conflict but none are known at this time.

**EXPLANATION/REMARKS:**

I have lived in Santa Ana since 2004 with my wife of 23 years where we have three wonderful children. I am actively involved in our church as not only a member but on our finance team. My professional work involves being partner at JLK Rosenberger LLP, a public accounting firm located in Irvine, which can be hectic but I am always looking for ways to utilize my professional skills to help the community that I live in. Being the chair of the



City of Santa Ana's Measure X Citizen Oversight Committee has brought me into the fold of utilizing my financial experience to help provide information to the residents of the city while also providing a background with governmental meetings. Measure X is the City of Santa Ana's special sales tax that was approved by voters in November of 2018.

I believe that proper financial oversight is a team effort and no one person or organization can adequately provide all the information that the stakeholders desire and need to make informed decisions. My experience as a CPA I believe will make me uniquely qualified for this position and I look forward to serving the community, the Board of Supervisors, and the County's staff.

I look forward to serving if chosen and of course am available to answer any questions or provide feedback to help you make a determination as to my suitability for this committee.

L/h









APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to: Clerk of the Board of Supervisors  
400 W. Civic Center Dr., 6th Floor  
Santa Ana, California 92701  
Email: [response@ocgov.com](mailto:response@ocgov.com)  
Website: <https://cob.ocgov.com/>

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

**NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP. SEE LIST AT <https://cob.ocgov.com/boards-commissions-committees/bcc-name-list-and-contact-information>**

Orange County Airport Commission

**SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE:** ☐ First ☐ Second ☐ Third ☐ Fourth ☐ Fifth

**APPLICANT NAME AND RESIDENCE ADDRESS:**

Salvador

Tinajero

First Name

Middle Name

Last Name

Santa Ana

CA

Street Address

City

State

Zip Code

Home Phone Number

Cell Phone Number

Email Address

**CURRENT EMPLOYER:**

**OCCUPATION/JOB TITLE**

**BUSINESS ADDRESS:**

**BUSINESS PHONE NUMBER:**

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

**ARE YOU A CITIZEN OF THE UNITED STATES:** ☐ YES ☐ NO

**IF NO, NAME OF COUNTRY OF CITIZENSHIP:**

**ARE YOU A REGISTERED VOTER?** ☐ YES ☐ NO

**IF YES, NAME COUNTY YOU ARE REGISTERED IN:**

Orange



# Sal Tinajero

## EDUCATION

---

### National University

Master of Arts, Cross-Cultural Education  
Professional, Clear Credential

San Diego, CA

August 2006

August 2006

### Bradley University

Bachelor of Arts, Speech Communication

Peoria, IL

December 1995

## TEACHING EXPERIENCE

---

### Advantage Communications Inc.

Chief Executive Officer

Santa Ana, CA

November 1, 2018 - Present

- Communications Speech and Debate Consulting
- Programed 47 schools in four different districts across the state of California
- Advantage Communication has coaches 25 state finalist and 15 national champions

### Santa Ana Unified School District

Communication Program Specialist

Santa Ana, CA

July 7, 2016 - Present

- Built a district wide Speech and Debate program.
- Increased school participation in four years from 100 students to over 1,000 district wide
- Three out of the four years, a SAUSD school has won the national championship

### Fullerton Union High School

Director of Forensics & AP Government Instructor

Fullerton, CA

December 2000 – July 6, 2016

- Recruited to revive the forensics program and grow membership from 15 to more than 130 students
- 60% of forensics students have earned full scholarships to compete for prominent collegiate programs and 90% of all students have gone on to college at schools such as Yale University, Stanford University, University of California (Berkeley), Bradley University, Western Kentucky University, and University of Texas (Austin)
- Fundraised over \$100,000 in support of the forensics program and \$80,000 in post-secondary scholarships

### Lathrop Intermediate School

Literacy & U.S/World History Instructor

Santa Ana, CA

December 1996 – December 2000

- Introduced a comprehensive political process program resulting in 8<sup>th</sup> grade students outperforming other Lathrop students in a district-wide U.S. Constitution Test
- Developed student critical thinking skills, including the fundamental use of research/evidence and argumentation, so students could successfully pursue future college degrees
- Selected to annually present seminars including Polling Practices and Content Reading at Santa Ana School District workshops, with the goal of demonstrating the value of group learning

## PROFESSIONAL EXPERIENCE

---

### City of Santa Ana

Councilmember

Santa Ana, CA

November 2006 – 2018

Mayor Pro-Tem

November 2010 – November 2014

- Featured by the Orange County Register as a leader in the first all Latino Council of a major U.S. city.
- Served on various committees including Code of Ethics and Conduct, Parks, Recreation, Education, & Youth (PREY), Public Safety, and the Joint Santa Ana Unified School District City Council



- Represented the City as a Director on the Orange County Fire Authority Board and governing board member of the Orange County Sanitation District
- Introduced a funding plan to open two new joint-use libraries in collaboration with the Santa Ana Unified School District

#### **Santa Ana Unified School District**

Board Member

**Santa Ana, CA**

December 2000 – December 2006

Board President

December 2000 – December 2002

- Introduced a comprehensive plan to increase the levels of parent participation resulting in the highest level of parent participation of all educational and social-economic levels on record
- Helped to pass a school bond to increase funding for new schools and portable-to-permanent structures

#### **Professionally Speaking**

**Indianapolis, IN**

Presentation Consultant

November 1995 – February 1996

- Assessed voice and diction, reviewed audience analysis, and adjusted nonverbal communication mannerisms in one-on-one coaching sessions with seminar participants
- Trained business professionals on how to communicate effectively in various business setting by using listening techniques, interpersonal strategies, and negotiation skills

#### **United Cerebral Palsy Association of Orange County**

**Santa Ana, CA**

Early Intervention Special Educator

January 1995 – July 1995

- Utilized communication background and Spanish fluency to revise therapy curriculum and conduct weekly home visits to direct the cognitive/physical development of 20 children
- Trained parents how to care and feed their child and evaluated child's improvement through physical therapy and scheduled tests
- Conducted needs assessments and referred parents to government programs and volunteer networks

### **AWARDS**

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- 2018 California Educator of the Year
- 2014 Inductee, Chapman University International Educators Hall of Fame
- 2009 and 2015 Golden Bell Award, California School Board Association
- 2008 Hometown Hero Award, City of Fullerton
- 2008 Outstanding Young Graduate Award, Bradley University Alumni Association
- 2005 National Hispanic Teacher of the Year, Nordstrom/Hispanic Magazine
- 2002 Latino Leadership Award, Latino Youth Leadership Institute
- 2001 Community Building Award, City of Santa Ana
- 1999 Middle School Teacher of the Year, Junior Achievement of Southern California
- 1999 Giraffe Award for Community Service, Santa Ana Unified School District
- 1989 – 1993 National Collegiate Speech Champion including 6 National Honors & 3 Regional Honors

### **HONORS**

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- Selected by the White House to participate in an educational symposium dealing with the affordability of secondary education on November 21, 2014
- Invited to Vice President Joe Biden's house in honor of Hispanic Heritage Month September 26, 2012
- Honored to be a guest at the White House with First Lady Laura Bush in recognition of being named National Hispanic Teacher of the Year on April 6, 2006
- California State Assembly Passed Resolution No. 1203 on April 11, 2006 to honor Sal Tinajero for inspiring students to succeed in post K-12 education
- Former Orange County Supervisors Lou Correa and Chris Norby passed a resolution in April 2006 honoring Sal Tinajero for being selected as 2005 National Teacher of The Year
- Elected 2002 California School Board Association Delegate Assembly Member



## FORENSICS MEDIA COVERAGE

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- “FUHS Talks Itself Into Victory.” *Orange County Register* 21 May 2010
- “California Connection.” *Bradley Hilltopics Alumni Magazine* Winter 2009 “Fullerton Union High School Student Wins National Title.” *Orange County Register* 29 Jun. 2009
- “Reaching and Engaging Latino Communities.” *Western City Magazine* Sept. 2008
- “Confidence Builder.” *Orange County Register* 1 Apr. 2006
- “From the Classroom to the Boardroom.” *Los Angeles Times* 12 Nov. 2000 (attached)





**BOARD OF SUPERVISORS**  
**MEMORANDUM**

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**TO:** Robin Stieler, Clerk of the Board

**FROM:** Vicente Sarmiento, Supervisor Second District

**DATE:** March 9, 2023

**Subject:** Supplemental Agenda Item for March 14, 2023, Board of Supervisors Meeting

*[Handwritten signature in blue ink]*

*S38K*

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Please add the following commission appointment be added to the agenda for the March 14, 2023, Board of Supervisors meeting. The title should read:

Supervisor Sarmiento to appoint Mary Anne Skorpanich to the Orange County Historical Commission for a term concurrent with the Supervisor's term of office.

*[Faint vertical stamp: RECEIVED MARCH 9 PM 3:12]*





APPLICATION FOR COUNTY OF ORANGE  
BOARD, COMMISSION OR COMMITTEE

(FOR COUNTY USE ONLY)

Return to:

Clerk of the Board of Supervisors  
333 West Santa Ana Blvd., Suite 465  
Santa Ana, California 92701  
Website: [www.ocgov.com/gov/cob/](http://www.ocgov.com/gov/cob/)

fill vacant  
position

**Instructions:** Please complete each section below. Be sure to enter the title of the Board, Commission or Committee for which you desire consideration. For information or assistance, please contact the Clerk of the Board of Supervisor's Office at (714) 834-2206. Please print in ink or type.

NAME OF BOARD, COMMISSION, OR COMMITTEE TO WHICH YOU ARE APPLYING FOR MEMBERSHIP  
(SEE LIST AT [HTTP://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT](http://WWW.OCGOV.COM/GOV/COB/BCC/CONTACT)):

OC Historical Commission

SUPERVISORIAL DISTRICT IN WHICH YOU RESIDE: ☐ First ☒ Second ☐ Third ☐ Fourth ☐ Fifth

APPLICANT NAME AND RESIDENCE ADDRESS:

MaryAnne

Skorpanich

First Name

Middle Name

Last Name

Orange

CA

Street Address

City

State

Zip Code

Home Phone Number

Cell Phone Number

Email Address

CURRENT EMPLOYER: retired

OCCUPATION/JOB TITLE:

BUSINESS ADDRESS:

BUSINESS PHONE NUMBER:

**EMPLOYMENT HISTORY:** Please attach a resume to this application and provide any information that would be helpful in evaluating your application.

ARE YOU A CITIZEN OF THE UNITED STATES: ☒ YES ☐ NO

IF NO, NAME OF COUNTRY OF CITIZENSHIP:

ARE YOU A REGISTERED VOTER? ☒ YES ☐ NO

IF YES, NAME COUNTY YOU ARE REGISTERED IN: Orange



LIST ALL CURRENT PROFESSIONAL OR COMMUNITY ORGANIZATIONS AND SOCIETIES OF WHICH YOU ARE A MEMBER.

<u>ORGANIZATION/SOCIETY</u>	<u>FROM (MO./YR.)</u>	<u>TO (MO./YR.)</u>
<u>California Preservation Foundation</u>	<u>2004</u>	<u>present</u>
<u>Preserve Orange County</u>	<u>2017</u>	<u>present</u>
<u>Old Towne Preservation Association</u>	<u>1989</u>	<u>present</u>

WITHIN THE LAST FIVE YEARS, HAVE YOU BEEN AFFILIATED WITH ANY BUSINESS OR NONPROFIT AGENCY(IES)? ☒ YES ☐ NO

DO YOU OWN REAL OR PERSONAL PROPERTY OR HAVE FINANCIAL HOLDING WHICH MIGHT PRESENT A POTENTIAL CONFLICT OF INTEREST? ☐ YES ☒ NO

HAVE YOU BEEN CONVICTED OF A FELONY OR MISDEMEANOR CRIME SINCE YOUR 18TH BIRTHDAY? YOU ARE NOT REQUIRED TO DISCLOSE ANY OF THE FOLLOWING: ARRESTS OR DETENTIONS THAT DID NOT RESULT IN A CONVICTION; CONVICTIONS THAT HAVE BEEN JUDICIALLY DISMISSED, EXPUNGED OR ORDERED SEALED; INFORMATION CONCERNING REFERRAL TO AND PARTICIPATION IN ANY PRETRIAL OR POSTTRIAL DIVERSION PROGRAM; AND CERTAIN DRUG RELATED CONVICTIONS THAT ARE OLDER THAN TWO YEARS, AS LISTED IN CALIFORNIA LABOR CODE § 432.8 (INCLUDING VIOLATIONS OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11357(B) AND (C), 11360(C) 11364, 11365 AND 11550 – AS THEY RELATE TO MARIJUANA)?

☐ YES ☒ NO

IF YES, PLEASE EXPLAIN AND ATTACH ADDITIONAL SHEETS, IF NECESSARY.

PLEASE BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THIS BOARD, COMMITTEE, OR COMMISSION. ATTACH ADDITIONAL SHEETS, IF NECESSARY.

Please see attached

DATE: November 27, 2022

APPLICANTS SIGNATURE: 

**CLERK OF THE BOARD OF SUPERVISORS USE ONLY – DO NOT WRITE BELOW THIS LINE**

Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_ Deputy Clerk of the Board of Supervisors  
Date referred: \_\_\_\_\_  
To: ☐ BOS District 1 ☐ BOS District 2 ☐ BOS District 3 ☐ BOS District 4 ☐ BOS District 5  
☐ All BOS ☐ BCC Contact Person Name \_\_\_\_\_



# Mary Anne Skorpanich

## WORK HISTORY

### 2014-2016 – Deputy Director, OC Public Works, County of Orange

- Responsible for environmental compliance programs related to the federal Clean Water Act and similar state regulations; agricultural and weights and measures programs; environmental mitigation program; integrated water resource planning; capital projects; managing regional grant programs

### 2007-2014 – Director, OC Watersheds Program, OC Public Works

- Responsible for water quality compliance programs for the County, OC Flood Control District, and the lead for the countywide shared program with all 34 cities; budget planning and management, strategic planning, and Business Plan; leading diverse stakeholder groups on the development of capital projects, environmental restoration, and pollution prevention programs

### 2000-2007 – Watershed Planner, OC Public Works\*

- Duties included environmental analysis and development of solutions to water resource issues in the North OC coastal and Santa Ana River watersheds; initiating and managing partnerships among local, state, and federal agencies and advocacy groups; preparing technical reports, feasibility studies, watershed management plans, capital projects, and grant proposals; serving in the OC Emergency Operations Center; lead County coordinator for Huntington State Beach closure during 2000

### 1996-2000 – Special Projects Manager, OC Public Works\*

- Assisted Department Director and County Executive Office on major reorganization of several County departments; assist in start-up and ongoing administrative operations of newly formed public works department, including writing annual Business Plan, developing performance metrics, and employee recognition program; served as public Information Officer and department ombudsperson
- Served 8 months at County Executive Office coordinating annexations and incorporations

### 1989-1995 – Chief of Forecasting and Strategic Planning, OC Public Works\*

- Developed and ran econometric forecasting models for various revenue sources; developed financial plans for 20 budget units to facilitate advance planning for major capital projects; analyzed state budgets and proposed legislation for potential departmental impacts and developed alternative proposals; developed annual department strategic plan

### 1984-1989 – Research Analyst, Forecast and Analysis Center, County Administrative Office

- Developed statistical models to forecast Orange County population, housing, and employment for a 30-year horizon for use in long-range planning for County facilities such as libraries, fire stations, and jail capacity; conducted research studies on various topics for Board of Supervisors; consulted with County agencies and departments on demographics, research, and statistics

\* Predecessor agency to OC Public Works



## Mary Anne Skorpanich

**1983-1984 – Health Research Associate, Greater San Diego Health Plan**

- Served as primary business and financial analyst for preferred provider and health maintenance organization; developed and managed large-scale databases for statistical analysis

### **SERVICE ON BOARDS & COMMISSIONS**

**2017-present: Design Review Committee, City of Orange**

- city appointee; review and approve proposed development projects for architectural design and site planning and in the case of historic properties, conformance to historic preservation standards as applicable

**2016-2017: Old Towne Preservation Association, Board Member**

- Chair of Anne Siebert Scholarship Committee, restarted dormant program, all fundraising, recruitment, screening and selections for scholarships to promote the professional development of future historic preservation professionals

**2009-2014: Coastal Greenbelt Authority, Board Member**

- served as Supervisor Bates' representative for the cooperative management of Laguna Coast Wilderness Park and Aliso and Wood Canyons Wilderness Park

**2007-2016: Rivers and Mountains Conservancy, Board of Governors**

- state conservancy to preserve open space and habitat in order to provide for low-impact recreation and educational uses, wildlife habitat restoration and protection, and watershed improvements

**2007-2016: Southern California Coastal Water Research Project, Commissioner**

- served on the governing board of the joint powers authority created by water and wastewater agencies and municipalities in four counties for scientific investigations

**1992-2002: Old Towne Preservation Association, Board of Directors**

- advocated for preservation of historic resources in Orange; served as secretary, treasurer, and preservation committee chair; helped develop application to list Old Towne Orange on the National Register of Historic Places

**1990-1992: Santiago Creek Greenway Alliance, Board of Directors**

- worked to save open space on Santiago Creek, including a bond measure on the ballot to purchase a large parcel of land to preserve as open space

**1985-1988: American Statistical Association, Vice-President for Professional Affairs**



- worked closely with Vice-President of Academic Affairs to sponsor the annual Career Day for college students





*County Executive Office*  
**Memorandum**

March 2, 2023

**To:** Clerk of the Board of Supervisors  
**From:**   
Colette Farnes, Chief Human Resources Officer  
**Concur:**   
Frank Kim, County Executive Officer  
Digitally signed by Frank Kim  
DN: cn=Frank Kim, o=CEO,  
ou=County Executive Office,  
email=frank.kim@ocgov.com, c=US  
Date: 2023.03.03 09:18:19 -0800  
**Subject:** Request for a Supplemental Closed Session for March 14, 2023

RECEIVED  
2023 MAR -3 AM 10:09  
CLERK OF THE BOARD OF SUPERVISORS  
ORANGE COUNTY

SCS 1

Human Resource Services requests a Supplemental Closed Session on March 14, 2023, with the County's designated negotiating representative, Colette Farnes, to discuss the terms and conditions of employment for employees represented by the Association of Orange County Deputy Sheriffs (AOCDS), Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA) International Union of Operating Engineers (IUOE), workers represented by United Domestic Workers of America (UDWA) and other non-represented employees, pursuant to Government Code Section 54957.6.

Accordingly, please prepare the Agenda item to read:

CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6

Agency Negotiator: Colette Farnes, Chief Human Resources Officer

Employee Organizations: Association of Orange County Deputy Sheriffs (AOCDS), Orange County Employees Association (OCEA), Orange County Attorneys Association (OCAA), International Union of Operating Engineers (IUOE), United Domestic Workers of America (UDWA) and other non-represented employees

RE: Terms and Conditions of Employment

Recommended Action: Conduct Closed Session.

Thank you.

cc: Members, Board of Supervisors  
Frank Kim, Chief Executive Officer  
Leon J. Page, County Counsel





LEON J. PAGE  
COUNTY COUNSEL

OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

400 West Civic Center Drive, Suite 202  
Santa Ana, California 92701  
Direct No.: (714) 834-3303  
E-Mail: [leon.page@coco.ocgov.com](mailto:leon.page@coco.ocgov.com)

Agenda Item No. SCS- 2  
March 14, 2023

MEMORANDUM

March 6, 2023

TO: Robin Stieler, Clerk of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, March 14, 2023, to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

“CONFERENCE WITH LEGAL COUNSEL –  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Case: *Werner Hartman v. County of Orange*,  
WCAB Case: ADJ13818129.

RECOMMENDED ACTION: Conduct Closed Session.”

Thank you.

LJP:vl

cc: Members of the Board of Supervisors  
Frank Kim, CEO

RECEIVED  
2023 MAR -6 PM 3:36  
CLERK OF THE  
COUNTY OF ORANGE  
BOARD OF SUPERVISORS





OFFICE OF THE COUNTY COUNSEL  
COUNTY OF ORANGE

400 West Civic Center Drive, Suite 202  
Santa Ana, California 92701  
Direct No.: (714) 834-3303  
E-Mail: leon.page@coco.ocgov.com

LEON J. PAGE  
COUNTY COUNSEL

Agenda Item No. SCS- 3  
March 14, 2023

MEMORANDUM

March 8, 2023

TO: Robin Stieler, Clerk of the Board of Supervisors  
FROM: Leon J. Page, County Counsel  
SUBJECT: Request for Supplemental Closed Session

I am requesting a supplemental closed session on Tuesday, March 14, 2023 to discuss with the Board the status of existing litigation, pursuant to Government Code section 54956.9(d)(1).

Accordingly, please prepare the Agenda Item to read:

"CONFERENCE WITH LEGAL COUNSEL --  
EXISTING LITIGATION Pursuant to Government Code Section  
54956.9(d)(1).  
Name of Case: *Mathew Gordon v. County of Orange*,  
USDC Case No. SACV14-01050 CJC.

RECOMMENDED ACTION: Conduct Closed Session."

Thank you.

LJP:vl

cc: Members of the Board of Supervisors  
Frank Kim, CEO

RECEIVED  
2023 MAR -8 AM 10:19  
CLERK OF THE BOARD  
ORANGE COUNTY  
BOARD OF SUPERVISORS